IN THE UNITED STATES BANKRUPTCY COURT	1	PAGE 3
IN THE UNITED STATES BANKRUPTCY COURT	1	PROCEEDINGS
IN INT ONLIND DIRECTOR MEDICAL COLUMN		STEVE MARKS,
FOR THE DISTRICT OF MONTANA	2	
	3	having been called for examination by counsel for
IN RE: Cause No. 06-60855	4	Mr. Marks, having been first duly sworn to testify to the
INCREDIBLE AUTO SALES, LLC	5	truth, the whole truth, and nothing but
Deptor	6	the truth, testified on his oath as follows:
	17	EXAMINATION
	8	BY MR. PATTEN:
DEPOSITION	9	
OF		~ 1
STEVE MARKS	10	A. Steve Marks, M-a-r-k-s.
	11	Q. Steve, are you familiar with a company called
Taken at the law offices of PATTEN, PETERMAN, BEKKEDAHL	12	Steve's Auto Sales?
& GREEN	13	A. Yes, I am.
Billings, Montana December 7, 2006 - 9:00 a.m.	14	Q. Are you involved in Steve's Auto Sales?
APPEARANCES:	15	A. I am. I am the president of it.
	16	Q. You own stock in Steve's Auto Sales?
For the Mr. Marks: James A. Patten PATTEN, PETERMAN, BEKKEDAHL	17	A. I do.
& GREEN, PLLC Attorneys at Law		Marks Deposition Exhibit Nos. 1 through 8
2817 Second Avenue North, Suite 300 Billings, Montana 59101	1	
	19	marked for identification)
For the Hyundai Motor SHANE COLEMAN	20	BY MR. PATTEN:
Finance Company: HOLLAND & HART Attorneys at Law	21	Q. Steve, I'm handing you what's been marked as
PO Box 639 Billings, Montana 59103	22	Exhibits 1 through 8
Billings, noncome over-	23	MR. PATTEN: And, Shane, these are all the
	24	exhibits that we filed. Did you get Exhibit No. 8?
	25	MR. COLEMAN: Yeah.
	23	JAN BARRY COURT REPORTING
		406.259.8111
JAN BARRY COURT REPORTING * * * 406.259.8111		400.237.0111
PAGE 2	2	PAGE 4
		OU AND DEMMINE.
	1	BY MR. PATTEN:
CONTENTS	2	Q. Steve, you are familiar with the car business?
Page	3	A. Yes, I am.
Deponent's Certificate	4	Q. How long have you been in the car business?
Reporter's Certificate	5	A. Approximately 26 years.
Reporter's Celtificate	6	Q. And in what capacity have you been in the car
Examination by Mr. Patten	7	business in those 26 years?
Examination by Mr. Patten	8	A. Wholesale, retail both.
Examination by Mr. Coleman	- 1	5 4 9 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Re-Examination by Mr. Factor	1 9	
Re-Examination by Mr. Coleman 79	10	Billings, Montana?
	11	A. All of them.
	12	Q. Describe briefly, if you can, the difference in
INDEX TO EXHIBITS	13	your mind between the wholesale and retail car business.
Exhibit No. Identified	14	A. Between wholesale and retail wholesale is
1 (AZ Certificate of Title - `04 Chevy Cavilier) 27	15	basically selling to other dealers and selling through
2 (ND Certificate of Title - `07 Dodge) 31	16	auction the difference between wholesale and retail is
3 (MT Certificate of Title - `03 Dodge) 32		one is strictly to other dealerships that have dealer's
4 (AZ Certificate of Title - `05 Kia) 35	17	linears of course that is the wholesale hasis, the
5 (AZ Certificate of Title - '02 Mercury) 37	18	licenses, of course, that's the wholesale basis; the
10 /00 00101110000 00 40000 00 1110011	19	retail is to the average public that comes on the lot.
	20	There is a difference of probably 25 percent between
6 (MT Certificate of Title - '06 Pontiac) 39	101	wholesale and retail basis for price wise.
6 (MT Certificate of Title - '06 Pontiac) 39 7 (AZ Certificate of Title - '05 Suzuki) 40	21	
6 (MT Certificate of Title - `06 Pontiac) 39 7 (AZ Certificate of Title - `05 Suzuki) 40		
6 (MT Certificate of Title - `06 Pontiac) 39 7 (AZ Certificate of Title - `05 Suzuki) 40	22	Q. Does Steve's Auto Sale have a retail lot at
6 (MT Certificate of Title - `06 Pontiac) 39 7 (AZ Certificate of Title - `05 Suzuki) 40	22 23	Q. Does Steve's Auto Sale have a retail lot at this time?
6 (MT Certificate of Title - '06 Pontiac) 39 7 (AZ Certificate of Title - '05 Suzuki) 40	22 23 24	Q. Does Steve's Auto Sale have a retail lot at this time? A. Yes, we do.
6 (MT Certificate of Title - '06 Pontiac) 39 7 (AZ Certificate of Title - '05 Suzuki) 40	22 23	Q. Does Steve's Auto Sale have a retail lot at this time?A. Yes, we do.Q. Where is it located?
6 (MT Certificate of Title - `06 Pontiac) 39 7 (AZ Certificate of Title - `05 Suzuki) 40	22 23 24	Q. Does Steve's Auto Sale have a retail lot at this time? A. Yes, we do.

	SHEET 2 PAGE 5		PAGE 7
1	A. 1717 First Avenue North, Billings, Montana.	1	Q. When you buy a car at the auto auction, then,
2	Q. And how long has Steve's Auto had that retail	2	do you put it on your retail lot?
3	lot?	3	A. That's the first purpose, correct.
)		4	Q. Do you sell cars through the auto auction?
4		5	A. Yes, I do.
5		6	Q. How frequently do you sell cars through the
6	existence the corporation?	7	auto auction?
'	A. The corporation, probably 16 years.	8	A. Every week.
8	Q. Has Steve's Auto Sales, since its incorporation	9	Q. Are there particular cars that you sell through
9	16 years ago, always had a retail lot?	10	the auto auction that was a bad question, but do you
10	A. No, it has not. The first two years, it was	11	sell a car through the auto action after it's sat on your
11	just a wholesale operation.		retail lot for a certain time without selling?
12	Q. So at least for the last 14 years, Steve's Auto	12	
13	Sales has maintained a retail lot?	13	
14	A. Correct.	14	I've sold cars through the auto auction as frequent as
15	Q. And during the last since the incorporation	15	having something for one day.
16	of Steve's Auto Sales, has Steve's Auto Sales also	16	Q. Why do you do that?
17	engaged in wholesale transactions of cars?	17	A. If I feel there's a profit structure there
18	A. Yes, we have.	18	that's quick and it's cash flow, mainly.
19	Q. Do you still currently engage in wholesale and	19	Q. So if you've been able to acquire it for less
20	retail transactions of cars?	20	money than you think you can sell it through the auto
21	A. Yes.	21	auction, then
22	Q. Now, you mentioned that part of the wholesale	22	A. Of course, yes.
23	transaction would be to purchase cars at an auto auction	. 23	Q then you might immediately take it to the
24	A. Correct.	24	auto auction?
25	Q. How many auto auctions do you traditionally go	25	A. Yes, sir.
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
	406.259.8111		406.259.8111
	PAGE 6	5	PAGE 8
1		5 1	8
1 2	to on behalf of Steve's Auto Sales?	5 1 2	Q. Are there a lot of cars that will never see
2	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto	2	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without
1 -	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week.		Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot?
2 3 4	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings?	2 3 4	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes.
2	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct.	2 3 4 5	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of
2 3 4 5 6	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings	2 3 4 5 6	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would
2 3 4 5 6 7	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions?	2 3 4 5 6 7	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot?
2 3 4 5 6 7 8	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do.	2 3 4 5 6 7 8	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent.
2 3 4 5 6 7 8 9	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those?	2 3 4 5 6 7 8 9	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto
2 3 4 5 6 7 8 9	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a	2 3 4 5 6 7 8 9	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an
2 3 4 5 6 7 8 9 10	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city.	2 3 4 5 6 7 8 9 10 11	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased would
2 3 4 5 6 7 8 9 10 11 12	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to to auto	2 3 4 5 6 7 8 9 10 11 12	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them
2 3 4 5 6 7 8 9 10 11 12 13	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to auto auctions?	2 3 4 5 6 7 8 9 10 11 12 13	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased would you purchase them from other dealers and then run them through the auto auction?
2 3 4 5 6 7 8 9 10 11 12 13	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver,	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased would you purchase them from other dealers and then run them through the auto auction? A. It would be both.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at least once a week?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you think you can make money on by running it through the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at least once a week? A. Typically, yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you think you can make money on by running it through the auction, that would be something that you would do?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at least once a week? A. Typically, yes. Q. Can you estimate over the past year how many	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you think you can make money on by running it through the auction, that would be something that you would do? A. Yes, it would.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at least once a week? A. Typically, yes. Q. Can you estimate over the past year how many cars you've purchased at an auto auction?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you think you can make money on by running it through the auction, that would be something that you would do? A. Yes, it would. Q. Where is the Billings Auto Auction physically
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at least once a week? A. Typically, yes. Q. Can you estimate over the past year how many cars you've purchased at an auto auction? A. I would probably say between 6 and 700.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you think you can make money on by running it through the auction, that would be something that you would do? A. Yes, it would. Q. Where is the Billings Auto Auction physically located?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at least once a week? A. Typically, yes. Q. Can you estimate over the past year how many cars you've purchased at an auto auction? A. I would probably say between 6 and 700. Q. And approximately what number or what	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you think you can make money on by running it through the auction, that would be something that you would do? A. Yes, it would. Q. Where is the Billings Auto Auction physically located? A. I don't know their exact address, to be honest
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to on behalf of Steve's Auto Sales? A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at least once a week? A. Typically, yes. Q. Can you estimate over the past year how many cars you've purchased at an auto auction? A. I would probably say between 6 and 700. Q. And approximately what number or what percentage of those cars would have been purchased at the	2 3 4 5 6 7 8 9 100 111 112 113 114 115 116 117 118 119 20 21 22 23	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you think you can make money on by running it through the auction, that would be something that you would do? A. Yes, it would. Q. Where is the Billings Auto Auction physically located? A. I don't know their exact address, to be honest with you.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at least once a week? A. Typically, yes. Q. Can you estimate over the past year how many cars you've purchased at an auto auction? A. I would probably say between 6 and 700. Q. And approximately what number or what percentage of those cars would have been purchased at the auto action here in Billings?	2 3 4 5 6 7 8 9 100 111 112 113 114 115 116 117 118 119 220 221 222 23 24	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you think you can make money on by running it through the auction, that would be something that you would do? A. Yes, it would. Q. Where is the Billings Auto Auction physically located? A. I don't know their exact address, to be honest with you. Q. Okay.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at least once a week? A. Typically, yes. Q. Can you estimate over the past year how many cars you've purchased at an auto auction? A. I would probably say between 6 and 700. Q. And approximately what number or what percentage of those cars would have been purchased at the auto action here in Billings? A. Probably 50 percent at least.	2 3 4 5 6 7 8 9 100 111 112 113 114 115 116 117 118 119 20 21 22 23	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you think you can make money on by running it through the auction, that would be something that you would do? A. Yes, it would. Q. Where is the Billings Auto Auction physically located? A. I don't know their exact address, to be honest with you. Q. Okay. A. West end of Billings. It's on I think it's
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. In a year's time, probably six different auto auctions, but one every week. Q. And there's one in Billings? A. Correct. Q. Do you go to every does the one in Billings have regularly-scheduled auctions? A. Yes, they do. Q. Do you go to every one of those? A. Except I go to every one except if I'm at a different sale in a different city. Q. What other cities do you go to auto auctions? A. Phoenix, Arizona; Las Vegas, Nevada; Denver, Colorado; Boise, Idaho. Q. Typically, then, you are at an auto auction at least once a week? A. Typically, yes. Q. Can you estimate over the past year how many cars you've purchased at an auto auction? A. I would probably say between 6 and 700. Q. And approximately what number or what percentage of those cars would have been purchased at the auto action here in Billings?	2 3 4 5 6 7 8 9 100 111 112 113 114 115 116 117 118 119 220 221 222 23 24	Q. Are there a lot of cars that will never see your retail lot, but that you will buy and sell without ever it getting to your retail lot? A. Yes. Q. Can you estimate generally what percentage of your gross annual sales of Steve's Auto Auction would involve cars that have never been on the retail lot? A. Probably 70 percent. Q. Okay. And would those cars that don't go onto your retail lot, would they have been purchased at an auto auction or would they have been purchased — would you purchase them from other dealers and then run them through the auto auction? A. It would be both. Q. If you find a car, whether it's at an auto auction or another dealer's lot or wherever else that you think you can make money on by running it through the auction, that would be something that you would do? A. Yes, it would. Q. Where is the Billings Auto Auction physically located? A. I don't know their exact address, to be honest with you. Q. Okay.

:	SHEET 3 PAGE 9		PAGE 11
1	9	1	lli Q. Is that commonplace for buyers to test drive
1	King Avenue East.	2	the cars?
2	Q. And it's right off of the South Billings	3	A. It is.
3	Boulevard with the interchange; is that correct?	4	Q. And it must be allowed, then, that you have all
4	A. Correct.		opportunity to inspect the car that you are interested in
5	Q. Do you have financing that you utilize when you		•
6	buy automobiles?	6	buying.
7	A. Yes, I do.		A. Yes.
8	Q. Do you get financing on an automobile by	8	Q. How many cars go through the Billings Auto
9	automobile basis or do you have a flooring financing	9	Auction typically it has a sale once a week?
10	arrangement?	10	A. It does.
11	A. I have a flooring financing arrangement.	11	Q. On the same day every week?
12	Q. Who is your flooring financing arrangement	12	A. Same day every week.
13	with?	13	Q. Which day is that?
14	A. I have two separate companies I have	14	A. Wednesday.
15	Automotive Finance Corporation which is AFC, and Dealers	15	Q. How many cars go through the auto auction
16	Services Corporation which is DSC.	16	typically on Wednesday?
17	Q. Do either AFC or DSC maintain an office or	17	A. Typically probably 6 to 700.
18	presence in Billings?	18	Q. And does the auto auction like clear out all of
19	A. Yes, they do.	19	its cars and then within the next week gets another 6 to
20	Q. Do you know where their do they have an	20	700?
21	office in Billings?	21	A. Not typically, you know, they probably range
22	A. Yes, they do.	22	about a 50 to a 60 percent sale average so the excess
23	Q. Do you know where the offices are?	23	40 percent, we will call it, will either be took back to
24	A. They are located in the auto auction.	24	the consignor or will stay there for the next following
25	Q. Okay. Is there a when you sell a car or buy	25	week so typically you will probably get an average of 3
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
	406.259.8111		406.259.8111
	PAGE 10 10		PAGE 12 12
	10	1	PAGE 12 to 350 new cars per week.
1	a car from the auto auction, is there a in Billings,	١.,	to 350 new cars per week. Q. And if there is some misrepresentation, I will
1 2	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with	1	to 350 new cars per week.
1 2 3	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the	1 2	to 350 new cars per week. Q. And if there is some misrepresentation, I will
1 2 3 4	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased?	1 2 3	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days.
1 2 3 4 5	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto	1 2 3 4	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then,
1 2 3 4 5 6	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction.	1 2 3 4	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days.
1 2 3 4 5 6 7	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction.	1 2 3 4 5 6	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then,
1 2 3 4 5 6 7 8	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same?	1 2 3 4 5 6 7	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are.
1 2 3 4 5 6 7 8	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas,	1 2 3 4 5 6 7 8	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car?
1 2 3 4 5 6 7 8	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct.	1 2 3 4 5 6 7 8 9 10	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment?
1 2 3 4 5 6 7 8 9 10 11	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings?	1 2 3 4 5 6 7 8 9 10 11 12	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but
1 2 3 4 5 6 7 8 9	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct.	1 2 3 4 5 6 7 8 9 10 11 12 13	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the
1 2 3 4 5 6 7 8 9 10 11 12	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you	1 2 3 4 5 6 7 8 9 10 11 12 13 14	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of
1 2 3 4 5 6 7 8 9 10 11 12 13	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about? A. If there's a problem arbitration problem	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the following day.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about? A. If there's a problem arbitration problem if there's a mileage discrepancy, if there's a	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the following day. Q. Okay. And do they send the title to the buyer
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about? A. If there's a problem arbitration problem if there's a mileage discrepancy, if there's a miscellaneous announcement that wasn't announced, like,	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the following day. Q. Okay. And do they send the title to the buyer or do they send the title to the auction company?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about? A. If there's a problem arbitration problem if there's a mileage discrepancy, if there's a miscellaneous announcement that wasn't announced, like, for instance, frame damage or flood damage or any	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the following day. Q. Okay. And do they send the title to the buyer or do they send the title to the auction company? A. Auction company.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about? A. If there's a problem arbitration problem if there's a mileage discrepancy, if there's a miscellaneous announcement that wasn't announced, like, for instance, frame damage or flood damage or any problems or issues the car may have that was not	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the following day. Q. Okay. And do they send the title to the buyer or do they send the title to the auction company? A. Auction company. Q. What does the auction company do with the
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about? A. If there's a problem arbitration problem if there's a mileage discrepancy, if there's a miscellaneous announcement that wasn't announced, like, for instance, frame damage or flood damage or any problems or issues the car may have that was not announced in the sale room.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the following day. Q. Okay. And do they send the title to the buyer or do they send the title to the auction company? A. Auction company. Q. What does the auction company do with the title, then?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about? A. If there's a problem arbitration problem if there's a mileage discrepancy, if there's a miscellaneous announcement that wasn't announced, like, for instance, frame damage or flood damage or any problems or issues the car may have that was not announced in the sale room. Q. When you buy a car at the auto auction, do you	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the following day. Q. Okay. And do they send the title to the buyer or do they send the title to the auction company? A. Auction company. Q. What does the auction company do with the title, then? A. They either will call the dealer that bought
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about? A. If there's a problem arbitration problem if there's a mileage discrepancy, if there's a miscellaneous announcement that wasn't announced, like, for instance, frame damage or flood damage or any problems or issues the car may have that was not announced in the sale room. Q. When you buy a car at the auto auction, do you go take it for a test drive before you bid on it?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the following day. Q. Okay. And do they send the title to the buyer or do they send the title to the auction company? A. Auction company. Q. What does the auction company do with the title, then? A. They either will call the dealer that bought the vehicle and tell them you can either come and pick up
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about? A. If there's a problem arbitration problem if there's a mileage discrepancy, if there's a miscellaneous announcement that wasn't announced, like, for instance, frame damage or flood damage or any problems or issues the car may have that was not announced in the sale room. Q. When you buy a car at the auto auction, do you go take it for a test drive before you bid on it? A. Occasionally, yes.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the following day. Q. Okay. And do they send the title to the buyer or do they send the title to the auction company? A. Auction company. Q. What does the auction company do with the title, then? A. They either will call the dealer that bought the vehicle and tell them you can either come and pick up the title, or if it's a finance company, like in my case,
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	a car from the auto auction, is there a in Billings, is there a regular procedure that is followed with respect to the payment of the purchase price and the receipt of the title work for the car that is purchased? A. There is, and it's actually at every auto auction. Q. Is it the same? A. Yes. Q. So it would be the same in Phoenix, Vegas, Denver, and Boise as it is in Billings? A. Correct. Q. If you buy a car at an auto auction, can you take it back if you decide you don't want it? A. If there's a problem that occurs to the vehicle, yes. Q. What kind of problem are we talking about? A. If there's a problem arbitration problem if there's a mileage discrepancy, if there's a miscellaneous announcement that wasn't announced, like, for instance, frame damage or flood damage or any problems or issues the car may have that was not announced in the sale room. Q. When you buy a car at the auto auction, do you go take it for a test drive before you bid on it?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	to 350 new cars per week. Q. And if there is some misrepresentation, I will say, about the mileage or damage to the car, things like that, then you can return the car? A. Yes, within a period of 14 days. Q. When you buy a car at the auto auction, then, are you required to immediately present payment for that car? A. Yes, you are. Q. And do you get the title work immediately when you present payment? A. Typically, if the title is there, you do, but occasionally the dealer may not have the title on the auction premises you know, there is a lot of out-of-state dealers, a lot of out-of-state companies so they will typically send the title that day or the following day. Q. Okay. And do they send the title to the buyer or do they send the title to the auction company? A. Auction company. Q. What does the auction company do with the title, then? A. They either will call the dealer that bought the vehicle and tell them you can either come and pick up

S	SHEET 4 PAGE 13		PAGE 15
	13	1	15
1	they just turn the title over to the finance company	1	Q. How long have you know Mr. Gutierrez?
2	that's there on premises or wherever it may be GMAC or	2	A. Probably over six years, I suppose.
3	Ford Motor Credit or whoever it may be.	3	Q. And has he been with Incredible Auto Sales that
4	Q. Okay. Are you familiar with how the Billings	4	whole entire time?
5	Auto Auction administers the money that's paid at the	5	A. He was with the Chrysler dealership here which
6	auction?	6	was owned by Bob Anderson for a short period of time, and
7	A. Meaning?	7	then was with New Beginnings, and then Incredible Kia.
8	Q. The auto auction must charge a fee of some kind	8	Q. Are you social friends with Mr. Gutierrez?
9	per car or, you know, for auction services.	9	A. We were.
10	ii. They do, jeb.	10	Q. Have you ever sold cars to Mr. Gutierrez or to
11	Q. 10 10 d 11d0 100 01 22 20 4 p	11	one of the companies that he owned before?
12	A. It's basically a scale on a percentage fee.	12	A. Many times, yes.
13	Q. What is that percentage?	13	Q. And when you sold the cars, did you sell it on
14		14	a retail basis or a wholesale basis?
15	you.	15	A. A wholesale basis.
16	A: this ID clies sailed as an beautiful	16	Q. And did you sell the cars directly to whatever
17	A. It's taken out of the proceeds that's delivered	17	entity he was involved in at the time?
18	to the seller.	18	A. Yes.
19	Q. Okay. So a buyer at the auto auction pays the	19	Q. Have you ever has he ever purchased at
20	auction company?	20	auction cars that you were selling at auction?
21	A. Correct.	21	A. Yes.
22	Q. The auto auction company then keeps its auction	22	Q. How many times, if you can estimate, did he buy
23	fee	23	cars at the auction over the years?
24	A. Correct.	24	A. It would just be a pure estimation, but I would
25	Q and then remits the balance to the seller?	25	say probably, without looking back, at least a hundred
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
	406.259.8111	ı	406.259.8111
		i .	100.80370111
1	PAGE 14	<u> </u>	PAGE 16
	PAGE 14 14	1	PAGE 16 16
1	PAGE 14 A. Correct.	1	PAGE 16 16 times I will use a round number in the six years.
1 2	PAGE 14 A. Correct. Q. Will the auto auction remit the balance to the	1 2	PAGE 16 times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or
1 2 3	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction?	1 2	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars?
1 2 3 4	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir.	1 2 3 4	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes.
1 2 3 4 5	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the	1 2	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best
1 2 3 4 5 6	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid?	1 2 3 4 5 6	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember?
1 2 3 4 5 6 7	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir.	1 2 3 4 5 6 7	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time
1 2 3 4 5 6 7 8	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that	1 2 3 4 5 6 7 8	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or
1 2 3 4 5 6 7 8 9	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before	1 2 3 4 5 6 7 8 9	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and
1 2 3 4 5 6 7 8 9	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the	1 2 3 4 5 6 7 8 9	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a
1 2 3 4 5 6 7 8 9	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction?	1 2 3 4 5 6 7 8 9 10	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and
1 2 3 4 5 6 7 8 9 10 11 12	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't	1 2 3 4 5 6 7 8 9 10 11 12	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church
1 2 3 4 5 6 7 8 9 10 11 12 13	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the	1 2 3 4 5 6 7 8 9 10 11 12 13	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church—me and my wife was and like anyone, we were sobbing
1 2 3 4 5 6 7 8 9 10 11 12 13	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a	1 2 3 4 5 6 7 8 9 10 11 12 13 14	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church—me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done,
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase before any money is exchanged from the buyer and the	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done, we walked to the foyer to our car, and Mr. Gutierrez and
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase before any money is exchanged from the buyer and the seller they are a broker in the middle to make sure	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church—me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done, we walked to the foyer to our car, and Mr. Gutierrez and his wife, Zsaneece, came out and gave my wife a hug and
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase before any money is exchanged from the buyer and the seller they are a broker in the middle to make sure everything is clear and free of any liens or any	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church—me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done, we walked to the foyer to our car, and Mr. Gutierrez and his wife, Zsaneece, came out and gave my wife a hug and gave me a hug and told us how sorry they were, and she
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase before any money is exchanged from the buyer and the seller they are a broker in the middle to make sure everything is clear and free of any liens or any obligations to anyone that no one knows.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done, we walked to the foyer to our car, and Mr. Gutierrez and his wife, Zsaneece, came out and gave my wife a hug and gave me a hug and told us how sorry they were, and she was at the funeral Mrs. Gutierrez was and he
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase before any money is exchanged from the buyer and the seller they are a broker in the middle to make sure everything is clear and free of any liens or any obligations to anyone that no one knows. Q. And the auto auction provides the same or	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done, we walked to the foyer to our car, and Mr. Gutierrez and his wife, Zsaneece, came out and gave my wife a hug and gave me a hug and told us how sorry they were, and she was at the funeral Mrs. Gutierrez was and he apologized for not being at the funeral and said, "Lets
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase before any money is exchanged from the buyer and the seller they are a broker in the middle to make sure everything is clear and free of any liens or any obligations to anyone that no one knows. Q. And the auto auction provides the same or similar function?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done, we walked to the foyer to our car, and Mr. Gutierrez and his wife, Zsaneece, came out and gave my wife a hug and gave me a hug and told us how sorry they were, and she was at the funeral Mrs. Gutierrez was and he apologized for not being at the funeral and said, "Lets get together tomorrow," he says, "I would like to talk to
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase before any money is exchanged from the buyer and the seller they are a broker in the middle to make sure everything is clear and free of any liens or any obligations to anyone that no one knows. Q. And the auto auction provides the same or similar function? A. Provides the same service.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done, we walked to the foyer to our car, and Mr. Gutierrez and his wife, Zsaneece, came out and gave my wife a hug and gave me a hug and told us how sorry they were, and she was at the funeral Mrs. Gutierrez was and he apologized for not being at the funeral and said, "Lets get together tomorrow," he says, "I would like to talk to you." And I said sure. He says, "I will pick you up for
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase before any money is exchanged from the buyer and the seller they are a broker in the middle to make sure everything is clear and free of any liens or any obligations to anyone that no one knows. Q. And the auto auction provides the same or similar function? A. Provides the same service. Q. Do you know Nick Gutierrez?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church—me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done, we walked to the foyer to our car, and Mr. Gutierrez and his wife, Zsaneece, came out and gave my wife a hug and gave me a hug and told us how sorry they were, and she was at the funeral Mrs. Gutierrez was and he apologized for not being at the funeral and said, "Lets get together tomorrow," he says, "I would like to talk to you." And I said sure. He says, "I will pick you up for lunch tomorrow," he said, "I would just like to talk to
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase before any money is exchanged from the buyer and the seller they are a broker in the middle to make sure everything is clear and free of any liens or any obligations to anyone that no one knows. Q. And the auto auction provides the same or similar function? A. Provides the same service. Q. Do you know Nick Gutierrez? A. I do.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church—me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done, we walked to the foyer to our car, and Mr. Gutierrez and his wife, Zsaneece, came out and gave my wife a hug and gave me a hug and told us how sorry they were, and she was at the funeral Mrs. Gutierrez was and he apologized for not being at the funeral and said, "Lets get together tomorrow," he says, "I would like to talk to you." And I said sure. He says, "I will pick you up for lunch tomorrow," he said, "I would just like to talk to you for a little while." I said sure.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Correct. Q. Will the auto auction remit the balance to the seller before the title is delivered to the auto auction? A. No, sir. Q. Will the auto auction deliver the title to the buyer before the sales proceeds are paid? A. No, sir. Q. Is the auto auction like an intermediary that makes sure that the money and the title matches before the money and the title goes to the other parties in the transaction? A. Yes, sir. For most people that don't understand the automobile industry, it's kind of like the real estate industry, you have a title company which is a broker that makes sure before you take place of your real estate there's a clear and a free title at purchase before any money is exchanged from the buyer and the seller they are a broker in the middle to make sure everything is clear and free of any liens or any obligations to anyone that no one knows. Q. And the auto auction provides the same or similar function? A. Provides the same service. Q. Do you know Nick Gutierrez?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	times I will use a round number in the six years. Q. Did Mr. Gutierrez approach you this summer or fall about purchasing cars? A. Yes. Q. When was it that he approached you, to the best that you can remember? A. To go into the whole situation, the first time I spoke to Mr. Gutierrez in 4 or 5 months at least or probably 6 months was we both go to the same church, and it just happened on May 22nd of 2006, we had a granddaughter that passed away, she was 4 months old; and it was about September 23rd or 24th, we were in church—me and my wife was and like anyone, we were sobbing consistently, and Mr. Gutierrez and his wife sit at the in the balcony, and they could oversee us we were sitting on the floor and after services was done, we walked to the foyer to our car, and Mr. Gutierrez and his wife, Zsaneece, came out and gave my wife a hug and gave me a hug and told us how sorry they were, and she was at the funeral Mrs. Gutierrez was and he apologized for not being at the funeral and said, "Lets get together tomorrow," he says, "I would like to talk to you." And I said sure. He says, "I will pick you up for lunch tomorrow," he said, "I would just like to talk to

3

6

10

11

12

13

14

23

4

5

6

7

8

9

10

11

14

115

116

17

18

19

17

SHEET 5 PAGE 17

1

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

23

24

25

3

6

8

9

10

11

12

l13

14

15

16

17

18

19

20

21

22

23

24

So the following Monday, he came to my office, and it was 5 minutes to noon, and he said, "Are you ready?" I said, "I will be in about 10 minutes." You know, and I took care of whatever I needed to take care of and we went and had lunch.

At that point in time, he just -- we talked about the whole family, so on and so forth, an hour, hour 7 and a half went by, and it was really comforting, because 8 I have no one really to talk to about situations like that -- family wise.

As he was dropping me back off to the car lot, he pulled in and pulled around my car lot and we were walking back to my office, and he said, "I need to purchase some cars, I need to buy some cars, I'm low on inventory." It's not uncommon for a dealer to come to my 15 dealership to buy vehicles. I said sure. He says, "Well, if you have a list, give me a list and I will pick 17 out the ones I want." I said, "I don't have any list." I says, "My list is basically in my head, I can tell you 19 what I have or you can see what I have on the car lot." And he said fine, so he walked around and had a few cars 21 picked out, and he said, "You have to have more new cars than this." And I says, "I do, but they are not all" --

Let me back up, Steve. How many lots do you have?

> JAN BARRY COURT REPORTING 406.259.8111

PAGE 18

I have one retail lot, a wholesale warehouse, and then just everything else gets distributed through vendors in town.

So you have another location where you'll keep cars that your intention is to wholesale only?

- Wholesale only or have storage to get them ready for wholesale for different vendors in town, body shops, detail shops.
- Where is your storage or your shop for your Q. wholesale?
 - 1009 Second Avenue North. Α.
 - Which must be adjacent or close to your retail? 12 Q.
- Within nine blocks. Going back to how we came 13 about this deal, Mr. Gutierrez had four vehicles picked out that I had on the lot, he said, "I need to buy more cars." I said, "I don't have any ready yet. I've got some that are going to be ready this week or the following week." He said, "What are they?" So I told him what they were, and he says, "Get me a list prepared." I said, "Well, they need body work and paint 20 work." He said, "That's fine, just get me a list ready." 21

So the following day was Tuesday, I got the vehicles prepared for the auction on Wednesday, I kind of 23 dropped the ball on getting him a list ready. The very next day at 12:05, he was back at my office, he said, "Do 25

JAN BARRY COURT REPORTING

406.259.8111

PAGE 19

you have time for lunch today?" I said, "Yes, I do." So we went and had lunch again, small talk, family, so on and so forth, and we got back to my office, he said, "Is that list ready?" I said, "List?" He said, "List of cars that I want to buy." I said, "No, I haven't prepared anything yet." He said, "Well, I really need that list, I need to buy automobiles." I said, "Okay, I will prepare one.

Low and behold that afternoon I was busy with the auction vehicles, never prepared a list. The very next day which was Wednesday, I usually attend the sale between 8:45 and 9:15, I was running late, I got to the auction, and basically Wednesday I didn't even think about a list for Mr. Gutierrez because I got busy with other business at the auction.

Thursday morning, he calls me, he said, "Is my list ready?" I said, "Nick, I haven't got anything ready for you yet, I was busy with the auction on Wednesday." He said, "Well, I will be up there around 2:00, get me a list ready, so that's what I did, by 2:00 I had a list of cars ready; and on the list was 11 vehicles -- 11 that I thought he would purchase.

When we went to look -- I told him, "I need you to see these cars for what you are buying." He said, "okay, let's take a look." And we went to different body JAN BARRY COURT REPORTING

406.259.8111

PAGE 20

shops where the vehicles were, and while we were there, he would ask is that yours or is that yours, and I would acknowledge that that is or this isn't, and the ones that were mine, he would write down and say, well, what do you want for that, and I would give him a price, and he said okay, so throughout that day he bought 14 cars from me, and basically that's how it was structured.

- Okay. Now, so he picked out cars?
- Correct. Α.
- And you told him the price of the car?
- Correct. A.
- And he would either agree or say, no, I won't Q. buy that, then or --
 - Correct. Α.
- So he looked at more than 14 cars and didn't come to an agreement or he didn't accept the price or whatever, is that?
- A few of them were either mileage was too high or the year wasn't comparable to where he could make it work for his dealership.
- Okay. So this would have been on the Thursday after the auction?
 - Correct. Α.
- Okay. And at that point, how many of the 14 cars were in body shops?

JAN BARRY COURT REPORTING 406.259.8111

	SHEET 6 PAGE 21		PAGE 23
	21		23
1	A. I would say probably without going back and	1	A. Correct.
2	looking at notes, probably between eight and nine.	2	Q when they weren't necessarily going through
3	O. And then the rest of them were either on your	3	the arena, as you said.
4	lot or in your warehouse?	4	A. Correct.
5	A. Either on my lot, I think there was one in the	5	Q. The auto auction never had physical possession
6	warehouse, and a couple at like different service areas	6	of these cars between Nick, I will say?
7	tire places, glass.	7	A. Not that I'm aware of.
8	Q. Okay. Were any of those cars subject to your	8	O. Who at the auto auction did you arrange to have
I	financing and when I say "your financing", I will say	9	the auto action act as the escrow or whatever?
9		10	A. No, I did not arrange it; Nick did all that. I
10	your resource.	11	never even talked to the auto auction. I was not
11	114 1051	12	informed until Nick called me and told me the auction was
12	Q; non many or onom:		going to be taking care of it, and a young man from the
13	A. Thirteen out of the fourteen that he purchased.		
14	Q, Did for main the dispersion 1	14	auction called me and said, "We are going to take care of
15	possession on once and	15	the paperwork for you and Nick on this set of vehicles."
16	11, 110 111, 404242211251	16	Q. When was that conversation?
17	Q. Yes.	17	A. Friday.
18	A. No.	18	Q. Was this Friday before possession of the cars
19	Q. Where was the original title work?	19	was taken by Nick?
20	A. The original title work is at the lenders,	20	A. Correct.
21	always has been.	21	Q. So before he even took possession of the cars,
22	Q. Okay. Did you deliver the cars to Nick or did	22	it was determined that they would go through the auction?
23	Nick come and retrieve the cars from you?	23	A. Correct.
24	A. There was a few that we delivered, and there	24	Q. Do you remember the young man's name that
25	was some that he retrieved.	25	called you?
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
	406.259.8111		406.259.8111
	DACE 22		PAGE 24
	PAGE 22 22		PAGE 24 24
1	22	1	PAGE 24 24 A. Jake.
1 2	Q. And when did you deliver them to him?	1 2	24
2	Q. And when did you deliver them to him? A. It was probably the following Saturday and	1 2 3	A. Jake.
1	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday.	2 3	A. Jake. Q. Jake. And is that somebody that you've dealt with before?
2	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this	2 3	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes.
2	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow.	2 3 4 5	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you?
2 3 4 5 6	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct.	2 3 4 5 6	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an
2 3 4 5 6 7	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday	2 3 4 5 6 7	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN
2 3 4 5 6 7 8	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction.	2 3 4 5 6 7 8	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he
2 3 4 5 6 7 8 9	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct.	2 3 4 5 6 7 8 9	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the
2 3 4 5 6 7 8 9	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved?	2 3 4 5 6 7 8 9	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and
2 3 4 5 6 7 8 9 10	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick	2 3 4 5 6 7 8 9 10	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick.
2 3 4 5 6 7 8 9 10 11 12	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles	2 3 4 5 6 7 8 9 10 11 12	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared
2 3 4 5 6 7 8 9 10 11 12 13	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto	2 3 4 5 6 7 8 9 10 11 12 13	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle?
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction?
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like this, it's not the first time I've ever sold cars that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present payment for the vehicles?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present payment for the vehicles? A. At that point in time, I had no knowledge
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like this, it's not the first time I've ever sold cars that didn't go through the auto auction to a dealer that the auction took care of paperwork for us.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present payment for the vehicles? A. At that point in time, I had no knowledge now, I do, but it's not something I get involved in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like this, it's not the first time I've ever sold cars that didn't go through the auto auction to a dealer that the auction took care of paperwork for us.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present payment for the vehicles? A. At that point in time, I had no knowledge
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like this, it's not the first time I've ever sold cars that didn't go through the auto auction to a dealer that the auction took care of paperwork for us. Q. Now, you've said before that the auto auction	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present payment for the vehicles? A. At that point in time, I had no knowledge now, I do, but it's not something I get involved in because it's not it's the auction's business to collect, not mine.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like this, it's not the first time I've ever sold cars that didn't go through the auto auction to a dealer that the auction took care of paperwork for us. Q. Now, you've said before that the auto auction is like a real estate closing company?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present payment for the vehicles? A. At that point in time, I had no knowledge now, I do, but it's not something I get involved in because it's not it's the auction's business to collect, not mine. Q. Did you tell either AFC or DSC that particular
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like this, it's not the first time I've ever sold cars that didn't go through the auto auction to a dealer that the auction took care of paperwork for us. Q. Now, you've said before that the auto auction is like a real estate closing company? A. Closing company, same thing.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present payment for the vehicles? A. At that point in time, I had no knowledge now, I do, but it's not something I get involved in because it's not it's the auction's business to collect, not mine.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like this, it's not the first time I've ever sold cars that didn't go through the auto auction to a dealer that the auction took care of paperwork for us. Q. Now, you've said before that the auto auction is like a real estate closing company? A. Closing company, same thing. Q. And you would be using the auto auction for	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present payment for the vehicles? A. At that point in time, I had no knowledge now, I do, but it's not something I get involved in because it's not it's the auction's business to collect, not mine. Q. Did you tell either AFC or DSC that particular
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like this, it's not the first time I've ever sold cars that didn't go through the auto auction to a dealer that the auction took care of paperwork for us. Q. Now, you've said before that the auto auction is like a real estate closing company? A. Closing company, same thing. Q. And you would be using the auto auction for those services	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present payment for the vehicles? A. At that point in time, I had no knowledge now, I do, but it's not something I get involved in because it's not it's the auction's business to collect, not mine. Q. Did you tell either AFC or DSC that particular vehicles were going to be sold to Nick or Incredible
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. And when did you deliver them to him? A. It was probably the following Saturday and Monday. Q. Okay. Now the auto auction is involved in this transaction somehow. A. Correct. Q. But the cars weren't sold through the Wednesday auto auction. A. They did not run through the arena, correct. Q. How was the auto auction involved? A. The auto auction was involved for Nick called me when we came to an agreement on the vehicles and said, "I would like to buy these through the auto auction," basically for comfort of not having any problems with titles and so on and so forth, I would imagine, and that's fine with me because I do a lot of business with the auto auction in situations just like this, it's not the first time I've ever sold cars that didn't go through the auto auction to a dealer that the auction took care of paperwork for us. Q. Now, you've said before that the auto auction is like a real estate closing company? A. Closing company, same thing. Q. And you would be using the auto auction for	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Jake. Q. Jake. And is that somebody that you've dealt with before? A. Many times, yes. Q. And what exactly did Jake tell you? A. He just said he spoke to Nick, they came to an agreement on commissions, and for me to bring VIN numbers, colors, makes and models of the vehicles and he will do the paperwork on them in lieu of me doing the paperwork on them, they will do the paperwork on them and give the buy-sells to Nick. Q. Was there an invoice, then, that was prepared for each vehicle? A. There was. Q. And was it prepared by the auto auction? A. It was. Q. Then to your knowledge, did Nick present payment for the vehicles? A. At that point in time, I had no knowledge now, I do, but it's not something I get involved in because it's not it's the auction's business to collect, not mine. Q. Did you tell either AFC or DSC that particular vehicles were going to be sold to Nick or Incredible Auto?

5	SHEET 7 PAGE 25		PAGE 27 27
	25	1	say "you", I'm talking about Steve's Auto Sales?
1	A. Yes.	1 2	A. There's reassignments dealer reassignments
2	Q. Knowing what you know now, did Nick present	3	on the back that states give dealers an opportunity for a
3	payment or did Incredible Auto Sales present payment for	4	wholesale portion of it to reassign it to another dealer
4	the vehicles?	5	on the back side without having to put the title
5	A. No.		reassigned to a dealer who purchases it from them so they
6	Q. Did he present payment for any of the vehicles?	6	don't have to apply for a new title in their name.
7	A. Yes.	1	
8	Q. How many of them?	8	Q. You say that you go to auctions in Phoenix, would this be a vehicle that you would have purchased at
9	A. Three, is what I understand.	9	the auction in Phoenix?
10	Q. And to your knowledge, was the title work for	10	••••
11	the third vehicles delivered to him of anti-	11	A. It was one, yes.Q. Based on the original of Exhibit 1, could you
12	Sales?	12	
13	II. I diddibddid iid ddad iid i	13	then convey transfer the title to somebody who
14	Q. Did Nick present payment on any of the other	14	purchased the vehicle from you?
15	vehicles?	15	A. Yes, I could.
16	A. Not to my knowledge.	16	Q. Without having to go get a whole new title?
17	Q. Do you mion in the partment in the	17	A. Correct.
18	on the three, if the funds cleared through Nick's bank?	18	Q. And how would you do that?
19	A. I know this now, no, they did not.	19	A. In the dealer's section it says "Dealer
20	Q. 100 citough which I mount +	20	Reassignment"
21	received payment from the auto auction for the three that	21	Q. Yeah.
22	Nick presented the payment on.	22	A I sign off where the dealer it says
23	A. Yes.	23	dealership name which is the seller which would be me,
24	Q. So with regard to the other vehicles, payment	24	and I sign off on it and in this case, it's my title
25	was not presented by Incredible Auto Sales; correct?	25	clerk which is Martha Bradley signed off on it and
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
	406.259.8111		406.259.8111
	PAGE 26 26		PAGE 28 28
	/ 0		
1 4		١.	
1	A. Correct.	1	puts the new registered dealer on it where it says
2	A. Correct. Q. And do you know where the title work for those	1 2	puts the new registered dealer on it where it says "Buyer".
2 3	A. Correct. Q. And do you know where the title work for those vehicles is at this time?	1 2 3	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my
2 3 4	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not	1 2 3 4	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer
2 3 4 5	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do	1 2 3	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line?
2 3 4 5 6	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in	1 2 3 4 5 6	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a
2 3 4 5 6 7	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six	1 2 3 4 5 6	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer?
2 3 4 5 6 7 8	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles.	1 2 3 4 5 6 7 8	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer?
2 3 4 5 6 7 8 9	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your	1 2 3 4 5 6 7 8	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the
2 3 4 5 6 7 8 9	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles?	1 2 3 4 5 6 7 8 9	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom,
2 3 4 5 6 7 8 9	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the	1 2 3 4 5 6 7 8 9 10	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a
2 3 4 5 6 7 8 9 10 11 12	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies.	1 2 3 4 5 6 7 8 9 10 11 12	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MVl form, a retail form, that we would have to attach to this.
2 3 4 5 6 7 8 9 10 11 12 13	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1	1 2 3 4 5 6 7 8 9 10 11 12 13	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents?	1 2 3 4 5 6 7 8 9 10 11 12 13 14	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1? A. It is the title Arizona Certificate of Titles.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer comes into here (indicating), they get wholesaled
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1? A. It is the title Arizona Certificate of Title on an '04 Chevy Cavalier.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	"Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MVl form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer comes into here (indicating), they get wholesaled again there is four reassignments on back of the title
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1? A. It is the title Arizona Certificate of Title on an '04 Chevy Cavalier. Q. Now, this title shows that the owner is Arizona.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer comes into here (indicating), they get wholesaled again there is four reassignments on back of the title so it could be transferred four times without having a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1? A. It is the title Arizona Certificate of Title on an 'O4 Chevy Cavalier. Q. Now, this title shows that the owner is Arizona Federal Credit Union; correct?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer comes into here (indicating), they get wholesaled again there is four reassignments on back of the title so it could be transferred four times without having a new title put in that dealership's name.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1? A. It is the title Arizona Certificate of Title on an 'O4 Chevy Cavalier. Q. Now, this title shows that the owner is Arizona Federal Credit Union; correct? A. Correct.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer comes into here (indicating), they get wholesaled again there is four reassignments on back of the title so it could be transferred four times without having a new title put in that dealership's name. Q. Now, the current location physical location
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1? A. It is the title Arizona Certificate of Title on an '04 Chevy Cavalier. Q. Now, this title shows that the owner is Arizona Federal Credit Union; correct? A. Correct. Q. Do you own this car or do you think you own	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	puts the new registered dealer on it where it says "Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer comes into here (indicating), they get wholesaled again there is four reassignments on back of the title so it could be transferred four times without having a new title put in that dealership's name. Q. Now, the current location physical location of the original of Exhibit 1 is with either AFC or DSC?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1? A. It is the title Arizona Certificate of Title on an '04 Chevy Cavalier. Q. Now, this title shows that the owner is Arizona Federal Credit Union; correct? A. Correct. Q. Do you own this car or do you think you own this car?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	"Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer comes into here (indicating), they get wholesaled again there is four reassignments on back of the title so it could be transferred four times without having a new title put in that dealership's name. Q. Now, the current location physical location of the original of Exhibit 1 is with either AFC or DSC? A. It's with DSC.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1? A. It is the title Arizona Certificate of Title on an '04 Chevy Cavalier. Q. Now, this title shows that the owner is Arizona Federal Credit Union; correct? A. Correct. Q. Do you own this car or do you think you own this car? A. Well, I know I own it, I owe money on it.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	"Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer comes into here (indicating), they get wholesaled again there is four reassignments on back of the title so it could be transferred four times without having a new title put in that dealership's name. Q. Now, the current location physical location of the original of Exhibit 1 is with either AFC or DSC? A. It's with DSC. Q. DSC, okay. Did you ever tender Exhibit No. 1
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1? A. It is the title Arizona Certificate of Title on an '04 Chevy Cavalier. Q. Now, this title shows that the owner is Arizona Federal Credit Union; correct? A. Correct. Q. Do you own this car or do you think you own this car? A. Well, I know I own it, I owe money on it. Q. Why isn't the title in your name and when I	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	"Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer comes into here (indicating), they get wholesaled again there is four reassignments on back of the title so it could be transferred four times without having a new title put in that dealership's name. Q. Now, the current location physical location of the original of Exhibit 1 is with either AFC or DSC? A. It's with DSC. Q. DSC, okay. Did you ever tender Exhibit No. 1 to Incredible Auto Sales?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Correct. Q. And do you know where the title work for those vehicles is at this time? A. I have eight titles in possession. I'm not sure how many the auction has in its possession, I do know they have at least one, and they may have more in their possession. The auto auction paid me for six vehicles. Q. When you say you have eight titles in your possession, do you physically possess the titles? A. No, my lending company AFC or DSC has the titles they are two separate companies. Q. Now, I've put before you, Steve, Exhibits 1 through 8, okay, are you familiar with these documents? A. Very much so. Q. What is Exhibit No. 1? A. It is the title Arizona Certificate of Title on an '04 Chevy Cavalier. Q. Now, this title shows that the owner is Arizona Federal Credit Union; correct? A. Correct. Q. Do you own this car or do you think you own this car? A. Well, I know I own it, I owe money on it.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	"Buyer". Q. So if I was to buy this car from you, then my name would appear about half way down under the "Dealer Reassignment" line? A. Your name as a retail customer or as a prospective dealer? Q. Well, how about if I'm a retail customer? A. Retail customer? Your name would go on the bottom of this. This would be along with the bottom, it would have another form which is called an MV1 form, a retail form, that we would have to attach to this. Q. And if I'm a dealer A. Then it would just go right to the next available reassignment, it doesn't have to be particularly in the middle see, if another dealer comes into here (indicating), they get wholesaled again there is four reassignments on back of the title so it could be transferred four times without having a new title put in that dealership's name. Q. Now, the current location physical location of the original of Exhibit 1 is with either AFC or DSC? A. It's with DSC. Q. DSC, okay. Did you ever tender Exhibit No. 1

	SHEET 8 PAGE 29		PAGE 31
	29	1	Q. Look at Exhibit No. 2, do you recognize that?
1	A. No.	1	
2	Q. Why not?	2	
3	A. Because I was never paid for it.	3	Q. Is this also for a vehicle that was involved in the transaction with Incredible?
4	Q. Okay. Is the did you have an agreement with		
5	Incredible Auto Sales as to when you would give them the	5	A. Yes, it is. Q. Do you know if this vehicle was in a body shop?
6	title relative to when payment would be made?	6	
7	A. No.	1	A. Yes, it was. Q. Do you know where the original of the title
8	Q. Well, did you have an agreement with them that	8	Q. Do you know where the original of the title that Exhibit 2 is a copy of is located?
9	you would give them the title and they would pay you	9	
10	later?	10	
11	II. MOIT TIES OF WITH A MOIT 3-1.	11	
12	INCICATOR DECORAGE CITE STORY	12	purchase price for this vehicle?
13	Auto Auction, that's where they were sold through.	13	A. Not that I'm aware of, no. Q. Now, again, this title shows that the owner of
14	Q. So was the agreement, then, with Incredible	14	Q. Now, again, this title shows that the owner of
15	Auto Sales that when Incredible Auto Sales tendered	15	the car is Enterprise Rent a Car of Montana, Wyoming.
16	payment, then the auto auction would obtain the title	16	A. Correct.
17	from DSC?	17	Q. What about where in this document would it
18	A. I would imagine so, yes.	18	indicate that Steve's Auto Sales is the owner of the car?
19	Q. Well, you imagine so or was that the	19	A. Right on the front where it says, "Part 1.
20	arrangement?	20	Seller Agreement and Warranty of Title (Deliver to Buyer
21	A. We had no per se arrangement saying that this	21	within 15 days from the date of sale), and, see, it says
22	title had to be delivered here or then. As I had titles,	22	Steve's Auto Sales, Incorporated.
23	it would be tendered to the auto auction to receive	23	Q. As the buyer. And then under this form of
24	payment, and as long as the vehicles were completed out	24	title, can you transfer it to a subsequent buyer without
25	of the body shop the vehicles at this point in time	25	having to get a new title?
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
	406.259.8111		406.259.8111
	PAGE 30 30		PAGE 32 32
		1	A. Yes, we can. On the back side of the title, it
	were still in the body shop, and, you know, various	2	says, "First dealer Assignment with Warranty of Title",
2	services around the city.	ı	and "Deliver to the Buyer within 15 days from date of
3	Q. Okay. Well, was this particular vehicle in the	4	sale."
4	body shop at the time?	5	Q. And then you can do another reassignment,
5	A. I don't recall, to be honest with you I	6	correct, with this title?
6	don't think it was.	7	A. Correct.
7	Q. Well, what was the arrangement in terms of the	8	Q. Look at Exhibit No. 3, if you would, do you
8	delivery of the title work to Incredible Auto Sales?	9	recognize that?
9	A. The arrangement is I deliver title, I get a	10	A. I do.
10	check, I get paid for it.	1	Q. Do you know where the original that 3 is a copy
11	Q. It would be a contemporaneous exchange of money	12	of is located?
12	for the title?	13	A. Pardon me?
13	A. Correct.Q. And that would all be administered by the auto	14	Q. Do you know where the location of the original
14	-	15	title that No. 3 is a copy of is located?
15	auction?	16	A. Yes, I do.
16	A. Correct.O. And that was the is that the standard	17	O. Where is that?
17		18	A. Denny Menholt Frontier Chevrolet.
18	practice with at the auto auction?	119	Q. Now, why is it at Denny Menholt Chevrolet?
19	A. Yes, it is.O. And is that the standard practice at the other	20	A. That's where I purchased it from, and they did
20	- ·	21	not have a lien release from Wells Fargo Financial on
21	auto auctions that you go to?	22	this, and it just they were waiting for a lien release
22	A. Definitely so.Q. Is that the way the business is done in the	23	to come back to them so they haven't delivered title to
23	-	24	me.
24	industry?	25	Q. Now, let me back up, the car that is on title
25	A. It is. JAN BARRY COURT REPORTING	123	JAN BARRY COURT REPORTING
	406.259.8111		406.259.8111
1	400.637.0111		

	SHEET 9 PAGE 33	 -	PAGE 35
1	33	1	done to the car?
1	No. 1 Exhibit No. 1, the 2004 Chevy Cavalier, you have	2	A. Yes, on quite a few of the vehicles.
2	possession of that car now?	3	Q. And whose responsibility was it to accomplish
3	A. No.	4	that physical work?
4	Q. You don't?	5	A. It was mine.
5	A. No, I do not.	6	Q. Okay. And your cost; correct?
6	Q. Where is it?		A. Correct.
7	A. That car, to our information, has been retailed	0	Q. So you were to deliver a repaired car to
8	by Nick or Incredible Auto Sales.	8	Incredible?
9	Q. Do you know, Steve, if Incredible Auto Sales		A. Correct.
10	Court diraide a crampter or curp erers so are mal-	10	
11	A. There's no possible way they can without having	11	Q. And because this car was under repair of some kind, it never went to Incredible?
12	a physical title.	12	•
13	Q. out the good a depresent	13	
14	n. They can readded thery.	14	-
15	Q. If they got a duplicate title, would,	15	this document?
16	presumably, they have to get Arizona Federal Credit Union	16	A. Yes, I do.
17	to sign it?	17	Q. Now, this is another Arizona title.
18	A. Presumably.	18	A. Yes, sir.
19	Q. Are you aware if states will allow you to	19	Q. Do you know where the original copy of this
20	transfer ownership by faxed copies of titles?	20	Arizona title is?
21	A. No.	21	A. I do.
22	Q. Steve look at Exhibit No. 2, do you know where	22	Q. Where is that?
23	that vehicle is?	23	A. At my finance corporation I'm pretty sure
24	A. Yes, I do.	24	it's DSC.
25	Q. Where is it?	25	Q. Now, the one that the title is at Menholt
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
	406.259.8111		406.259.8111
	PAGE 34 34		PAGE 36 36
1		ł 1	Charrelet is this vehicle financed on your
1	A. It's at my location.	1	Chevrolet, is this vehicle financed on your
2	O. Now, the court gave you permission on Tuesday	2	acquisition of this vehicle financed?
2 3	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them	2 3	acquisition of this vehicle financed? A. Not as I've collected anything from any of the
2 3 4	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's	2 3 4	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no.
2 3 4 5	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order?	2 3	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your
2 3 4 5 6	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes.	2 3 4 5 6	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle?
2 3 4 5 6 7	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is	2 3 4 5 6 7	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time.
2 3 4 5 6 7 8	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now?	2 3 4 5 6 7 8	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4
2 3 4 5 6 7 8 9	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession.	2 3 4 5 6 7 8 9	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle?
2 3 4 5 6 7 8 9	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also	2 3 4 5 6 7 8 9	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first
2 3 4 5 6 7 8 9 10	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order?	2 3 4 5 6 7 8 9 10	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and
2 3 4 5 6 7 8 9 10 11	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court	2 3 4 5 6 7 8 9 10 11 12	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales.
2 3 4 5 6 7 8 9 10 11 12	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order.	2 3 4 5 6 7 8 9 10 11 12 13	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically
2 3 4 5 6 7 8 9 10 11 12 13	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to	2 3 4 5 6 7 8 9 10 11 12 13	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No. Q. Why not?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where? A. It's in my possession.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No. Q. Why not? A. It is a vehicle that needed work, and we were	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where? A. It's in my possession. Q. How long has it been in your possession?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No. Q. Why not? A. It is a vehicle that needed work, and we were working on it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where? A. It's in my possession. Q. How long has it been in your possession? A. Since the day that I purchased it.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No. Q. Why not? A. It is a vehicle that needed work, and we were working on it. Q. When you say "we were working on it", does that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where? A. It's in my possession. Q. How long has it been in your possession? A. Since the day that I purchased it. Q. Why was this not delivered to Incredible Auto
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No. Q. Why not? A. It is a vehicle that needed work, and we were working on it. Q. When you say "we were working on it", does that mean that Steve's Auto was working on it?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where? A. It's in my possession. Q. How long has it been in your possession? A. Since the day that I purchased it. Q. Why was this not delivered to Incredible Auto Sales?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No. Q. Why not? A. It is a vehicle that needed work, and we were working on it. Q. When you say "we were working on it", does that mean that Steve's Auto was working on it? A. We did a few things ourselves, and we had other	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where? A. It's in my possession. Q. How long has it been in your possession? A. Since the day that I purchased it. Q. Why was this not delivered to Incredible Auto Sales? A. It was having work done to it body work done
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No. Q. Why not? A. It is a vehicle that needed work, and we were working on it. Q. When you say "we were working on it", does that mean that Steve's Auto was working on it? A. We did a few things ourselves, and we had other service shops do some reconditioning to it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where? A. It's in my possession. Q. How long has it been in your possession? A. Since the day that I purchased it. Q. Why was this not delivered to Incredible Auto Sales? A. It was having work done to it body work done to it and never got delivered.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No. Q. Why not? A. It is a vehicle that needed work, and we were working on it. Q. When you say "we were working on it", does that mean that Steve's Auto was working on it? A. We did a few things ourselves, and we had other service shops do some reconditioning to it. Q. Okay. So at the time Incredible wanted to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where? A. It's in my possession. Q. How long has it been in your possession? A. Since the day that I purchased it. Q. Why was this not delivered to Incredible Auto Sales? A. It was having work done to it body work done to it and never got delivered. Q. So this would be in the same situation as the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No. Q. Why not? A. It is a vehicle that needed work, and we were working on it. Q. When you say "we were working on it", does that mean that Steve's Auto was working on it? A. We did a few things ourselves, and we had other service shops do some reconditioning to it. Q. Okay. So at the time Incredible wanted to purchase the car, there was still physical work to be	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where? A. It's in my possession. Q. How long has it been in your possession? A. Since the day that I purchased it. Q. Why was this not delivered to Incredible Auto Sales? A. It was having work done to it body work done to it and never got delivered. Q. So this would be in the same situation as the 2003 Dodge Stratus?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Now, the court gave you permission on Tuesday to take possession of the vehicles; is this one of them that you took possession of pursuant to the court's order? A. Yes. Q. Vehicle No. 3, do you know where that car is located now? A. It's in my possession. Q. And did you take possession of this car also pursuant to the court order? A. I had it in my possession before the court order. Q. Was possession of this car ever provided to Incredible Auto Sales? A. No. Q. Why not? A. It is a vehicle that needed work, and we were working on it. Q. When you say "we were working on it", does that mean that Steve's Auto was working on it? A. We did a few things ourselves, and we had other service shops do some reconditioning to it. Q. Okay. So at the time Incredible wanted to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	acquisition of this vehicle financed? A. Not as I've collected anything from any of the finance companies on it, no. Q. Okay. So there's no flooring lien from your flooring company on this vehicle? A. Not at this time. Q. Going back to No. 4, where on Exhibit No. 4 would it show that you're the owner of the vehicle? A. On the back side of the title in the first reassignment, it shows that Arizona State Savings and Credit Union signed off to Steve's Auto Sales. Q. Do you know where the 2005 Kia is physically located? A. Yes. Q. Where? A. It's in my possession. Q. How long has it been in your possession? A. Since the day that I purchased it. Q. Why was this not delivered to Incredible Auto Sales? A. It was having work done to it body work done to it and never got delivered. Q. So this would be in the same situation as the

	SHEET 10 PAGE 37	I	PAGE 39
1	37		39
1	A. Correct.	1	A. Correct.
2	Q. Did Incredible Auto Sales tender payment for	2	Q. Do you understand the third page of Exhibit 5
3	the vehicle for the 2005 Kia?	3	to affect a transfer of the ownership from the Alvarados
4	A. Not to me, they haven't, or to my knowledge the		back to the Arizona Central Credit Union?
5	auction, no.	5	A. Do I understand
6	Q. Has Incredible Auto tendered payment to either	6	Q. The repossession affidavit to affect a transfer
7	you or the auction for the 2003 Dodge Stratus?	7	of title from the Alvarados to the credit union.
8	A. No, sir.	8	A. Yes, I do.
9	Q. I don't know if I've asked you, but have they	9	Q. Were you ever tendered payment by Incredible
10	tendered payment for the 2006 Dodge	10	Auto Sales for the 2002 Mercury Sable?
11	A. 2007.	11	A. No, I have not.
12	Q. 2006 Dodge Caliber? And have they tendered	12	Q. Look at Exhibit 6, do you know where the
13	payment on the 2004 Chevy Cavalier?	13	original copy of this title is?
14	A. No.	14	A. Yes, I do.
15	Q. Look at Exhibit No. 5, do you know where the	15	Q. Where?
16	original title that 5 is a copy of is located?	16	A. Dealer Services Corporation.
17	A. Yes, I do.	17	Q. And do you have physical possession of the 2006
18	Q. Where?	18	Pontiac G6?
19	A. DSC Dealer Services Corporation.	19	A. Yes, I do.
20	Q. Here in Billings?	20	Q. How long have you had possession?
21	A. Here in Billings. My flooring company.	21	A. One day.
22	Q. Where on Exhibit 5 would it indicate that	22	Q. So that was another one you recovered pursuant
23	Steve's Auto is the owner?	23	to the judge's order?
24	A. On the back side of the title in the first	24	A. Yes.
25	reassignment.	25	Q. Have you ever been tendered payment on the 2006
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
	406.259.8111	<u> </u>	406.259.8111
	PAGE 38		PAGE 40 40
1	Q. Have you been tendered payment on the 2002	1	Pontiac G6 from Incredible Auto Sales?
2	Mercury Sable?	2	A. No.
3	A. No, I have not.	3	A Many this are is almost in your name title
4	Q. Do you know where the location of the 2002	Ι.	Q. Now, this one is already in your name title
		4	Q. Now, this one is already in your name title is in your name; correct?
] 5		5	is in your name; correct?
5	Mercury Sable is?	1	is in your name; correct?
6	Mercury Sable is? A. It's in my possession.	5	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the
6 7	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained	5	is in your name; correct? A. Yes, it is.
6 7 8	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order?	5 6 7	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is?
6 7 8 9	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is.	5 6 7 8	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do.
6 7 8 9	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5	5 6 7 8 9	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where?
6 7 8 9 10 11	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit.	5 6 7 8 9	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation.
6 7 8 9 10 11 12	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir.	5 6 7 8 9 10 11	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki?
6 7 8 9 10 11 12 13	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document?	5 6 7 8 9 10 11 12	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do.
6 7 8 9 10 11 12 13 14	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one,	5 6 7 8 9 10 11 12 13	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did.
6 7 8 9 10 11 12 13 14	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document?	5 6 7 8 9 10 11 12 13 14 15 16	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did. Q. Have you ever been tendered payment by
7 8 9 10 11 12 13 14 15	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one, yes.	5 6 7 8 9 10 11 12 13 14	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did.
6 7 8 9 10 11 12 13 14	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one, yes. Q. What does this document mean? What does it	5 6 7 8 9 10 11 12 13 14 15 16 17	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did. Q. Have you ever been tendered payment by Incredible Auto Sales for this 2005 Suzuki? A. No.
6 7 8 9 10 11 12 13 14 15 16 17	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one, yes. Q. What does this document mean? What does it show? A. It shows a release of lien from Arizona Central Credit Union, is what it is. It says that they	5 6 7 8 9 10 11 12 13 14 15 16 17 18	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did. Q. Have you ever been tendered payment by Incredible Auto Sales for this 2005 Suzuki?
7 8 9 10 11 12 13 14 15 16 17 18	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one, yes. Q. What does this document mean? What does it show? A. It shows a release of lien from Arizona Central Credit Union, is what it is. It says that they repossessed it and signed it off by them to Steve's Auto	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did. Q. Have you ever been tendered payment by Incredible Auto Sales for this 2005 Suzuki? A. No. Q. Look at Exhibit No. 8, do you recognize this document?
7 8 9 10 11 12 13 14 15 16 17 18	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one, yes. Q. What does this document mean? What does it show? A. It shows a release of lien from Arizona Central Credit Union, is what it is. It says that they	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did. Q. Have you ever been tendered payment by Incredible Auto Sales for this 2005 Suzuki? A. No. Q. Look at Exhibit No. 8, do you recognize this document? A. Yes, I do.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one, yes. Q. What does this document mean? What does it show? A. It shows a release of lien from Arizona Central Credit Union, is what it is. It says that they repossessed it and signed it off by them to Steve's Auto Sales. It's an affidavit of repossession and bill of sale.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did. Q. Have you ever been tendered payment by Incredible Auto Sales for this 2005 Suzuki? A. No. Q. Look at Exhibit No. 8, do you recognize this document? A. Yes, I do. Q. Do you know where the original copy of this car
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one, yes. Q. What does this document mean? What does it show? A. It shows a release of lien from Arizona Central Credit Union, is what it is. It says that they repossessed it and signed it off by them to Steve's Auto Sales. It's an affidavit of repossession and bill of sale. Q. And on the front of the title on Exhibit 5, the	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did. Q. Have you ever been tendered payment by Incredible Auto Sales for this 2005 Suzuki? A. No. Q. Look at Exhibit No. 8, do you recognize this document? A. Yes, I do. Q. Do you know where the original copy of this car title is?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one, yes. Q. What does this document mean? What does it show? A. It shows a release of lien from Arizona Central Credit Union, is what it is. It says that they repossessed it and signed it off by them to Steve's Auto Sales. It's an affidavit of repossession and bill of sale.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did. Q. Have you ever been tendered payment by Incredible Auto Sales for this 2005 Suzuki? A. No. Q. Look at Exhibit No. 8, do you recognize this document? A. Yes, I do. Q. Do you know where the original copy of this car title is? A. Yes.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one, yes. Q. What does this document mean? What does it show? A. It shows a release of lien from Arizona Central Credit Union, is what it is. It says that they repossessed it and signed it off by them to Steve's Auto Sales. It's an affidavit of repossession and bill of sale. Q. And on the front of the title on Exhibit 5, the	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did. Q. Have you ever been tendered payment by Incredible Auto Sales for this 2005 Suzuki? A. No. Q. Look at Exhibit No. 8, do you recognize this document? A. Yes, I do. Q. Do you know where the original copy of this car title is? A. Yes. Q. Where?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Mercury Sable is? A. It's in my possession. Q. And is this one of the vehicles you obtained possession of pursuant to the judge's order? A. Yes, it is. Q. Now, Steve, there's a third page to Exhibit 5 which is a repossession affidavit. A. Yes, sir. Q. Are you familiar with this document? A. I am familiar with documents like this one, yes. Q. What does this document mean? What does it show? A. It shows a release of lien from Arizona Central Credit Union, is what it is. It says that they repossessed it and signed it off by them to Steve's Auto Sales. It's an affidavit of repossession and bill of sale. Q. And on the front of the title on Exhibit 5, the owner is shown as Sandra Louise Alvarado and Nicholas	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	is in your name; correct? A. Yes, it is. Q. Look at Exhibit No. 7, do know where the original copy of this title is? A. Yes, I do. Q. Where? A. Dealer Services Corporation. Q. And do you have possession of this 2005 Suzuki? A. Yes, I do. Q. Did you get that yesterday pursuant to the judge's order? A. Yes, I did. Q. Have you ever been tendered payment by Incredible Auto Sales for this 2005 Suzuki? A. No. Q. Look at Exhibit No. 8, do you recognize this document? A. Yes, I do. Q. Do you know where the original copy of this car title is? A. Yes.

	SHEET 11 PAGE 41	Γ	PAGE 43
	43	1 -	43
1	A. AFC Automotive Finance Corporation.		Q. If these vehicles were sold now, how would you be able to transfer title?
2	Q. And do you have possession of this vehicle?	2	
3	A. No.	4	A. I would have to go to AFC or DSC whoever the vehicle is financed through my financier and have
4	Q. Do you know where this vehicle is?	5	to tender them payment to pay the vehicles off, then
5	A. No.	6	receive title.
6	Q. Do you have any understanding as to what's	7	Q. So you can't transfer title unless the lien is
7	happened with this vehicle? A. Incredible Auto Sales/Nick Gutierrez retailed	8	paid off?
8	A. Incredible Auto Sales/Nick Gutierrez retailed this vehicle as far as they are telling us.	9	A. Well, of course not.
9 10	Q. Sold it to somebody else?	10	Q. What's your current status with AFC and DSC?
11	A. Sold it to someone.	11	A. AFC and DSC AFC which I have a \$200,000
12	Q. Have you ever been tendered payment on this	12	floor line has totally cut me off at this point in time
13	2005 Chrysler is it a Town and Country? Is that what	13	because of this status.
14	it is?	14	Q. Okay. And when you say "because of this
15	A. Yes, it is. No, I have not.	15	status", what do you mean exactly?
16	Q. Now, Steve, Exhibits 1, 4, 5, and 7 are Arizona	1 16	A. They wanted the vehicles to have them paid
17	titles; correct?	17	off the two vehicles that they have floored or I can't
18	A. Correct.	18	do any more business with them or I haven't done any
19	Q. And I understand you would have bought these	19	more business with them since.
20	vehicles at the Phoenix auction.	20	Q. So you can't go buy any more vehicles and
21	A. Yes, sir.	21 22	finance them through AFC? A. No, sir.
22	Q. You've also testified that these titles are	23	Q. How about DSC?
23	possessed by either AFC or DSC.	24	A. DSC will still let me floor vehicles, the issue-
24	A. Correct. Q. Do you know how they were delivered to AFC or	25	we have with them is we have our limit is floored up,
25	Q. Do you know how they were delivered to AFC or JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
	406.259.8111		406.259.8111
-	PAGE 42		PAGE 44 44
١.	4		we don't have any more room to purchase no vehicles.
1	DSC?	1 2	Q. Okay. So you have to liquidate
2	A. I don't know what you mean, but the auto auction is the one that handles that, I don't even get t		A. Correct.
3	see titles.	4	Q cars in order to get
1 4 5	Q. Do you know does AFC do business in Arizona?	5	A. Anymore available funding.
1 6	A. Yes, they do.	6	Q. Do you have other cars besides any of them
7	Q. Does DSC do business in Arizona?	7	reflected in Exhibits 1 through 8 that are financed
8	A. Yes, they do. They both have offices at that	8	through DSC?
9	particular auction at various auctions.	9	A. Yes.
10	o object to be another common for AEC to have an		н, 165.
1 + 0	Q. Okay. Is it pretty common for AFC to have an	10	(Recess taken)
- 1	Q. Okay. Is it pretty common for AFC to have an office at physically at the same place as the auto	11	(Recess taken) BY MR. PATTEN:
11 12	office at physically at the same place as the auto auction?	11 12	<pre>{Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to</pre>
11 12 13	office at physically at the same place as the auto auction? A. It's more common than you will imagine.	11 12 13	(Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased
11 12 13 14	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC?	11 12 13 14	<pre>{Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales?</pre>
11 12 13 14 15	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct.	11 12 13 14 15	<pre>(Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have.</pre>
11 12 13 14 15 16	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct. Q. So you've never seen the original of these or	11 12 13 14 15 16	<pre>{Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have. Q. And have you purchased any recently?</pre>
11 12 13 14 15 16 17	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct. Q. So you've never seen the original of these or you've never had possession of the original of these	11 12 13 14 15 16 17	<pre>{Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have. Q. And have you purchased any recently? A. I purchased 3 vehicles on the same date that I</pre>
11 12 13 14 15 16 17 18	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct. Q. So you've never seen the original of these or you've never had possession of the original of these titles?	11 12 13 14 15 16 17 18	(Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have. Q. And have you purchased any recently? A. I purchased 3 vehicles on the same date that I sold him these 14 or that he said he was going to buy
11 12 13 14 15 16 17 18 19	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct. Q. So you've never seen the original of these or you've never had possession of the original of these titles? A. No.	11 12 13 14 15 16 17 18 19	(Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have. Q. And have you purchased any recently? A. I purchased 3 vehicles on the same date that I sold him these 14 or that he said he was going to buy these 14, I purchased 3 from him.
11 12 13 14 15 16 17 18 19 20	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct. Q. So you've never seen the original of these or you've never had possession of the original of these titles? A. No. Q. That happens in the background with the various	11 12 13 14 15 16 17 18 19	(Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have. Q. And have you purchased any recently? A. I purchased 3 vehicles on the same date that I sold him these 14 or that he said he was going to buy these 14, I purchased 3 from him. Q. Okay. So the deal was Incredible was going to
11 12 13 14 15 16 17 18 19 20 21	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct. Q. So you've never seen the original of these or you've never had possession of the original of these titles? A. No. Q. That happens in the background with the variou auction companies and with AFC or DSC?	11 12 13 14 15 16 17 18 19 20 21	(Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have. Q. And have you purchased any recently? A. I purchased 3 vehicles on the same date that I sold him these 14 or that he said he was going to buy these 14, I purchased 3 from him.
11 12 13 14 15 16 17 18 19 20 21 22	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct. Q. So you've never seen the original of these or you've never had possession of the original of these titles? A. No. Q. That happens in the background with the various	11 12 13 14 15 16 17 18 19 20 21 22 23	(Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have. Q. And have you purchased any recently? A. I purchased 3 vehicles on the same date that I sold him these 14 or that he said he was going to buy these 14, I purchased 3 from him. Q. Okay. So the deal was Incredible was going to buy 14 from Steve's, and Steve's was going to buy 3 from Incredible? A. Correct.
11 12 13 14 15 16 17 18 19 20 21 22 23	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct. Q. So you've never seen the original of these or you've never had possession of the original of these titles? A. No. Q. That happens in the background with the variou auction companies and with AFC or DSC? A. Correct. They handle all the title paperwork,	11 12 13 14 15 16 17 18 19 20 21 22 23 24	(Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have. Q. And have you purchased any recently? A. I purchased 3 vehicles on the same date that I sold him these 14 or that he said he was going to buy these 14, I purchased 3 from him. Q. Okay. So the deal was Incredible was going to buy 14 from Steve's, and Steve's was going to buy 3 from Incredible? A. Correct. Q. And did you, in fact, buy the three from
11 12 13 14 15 16 17 18 19 20 21 22	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct. Q. So you've never seen the original of these or you've never had possession of the original of these titles? A. No. Q. That happens in the background with the variou auction companies and with AFC or DSC? A. Correct. They handle all the title paperwork, we don't handle it.	11 12 13 14 15 16 17 18 19 20 21 22 23	(Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have. Q. And have you purchased any recently? A. I purchased 3 vehicles on the same date that I sold him these 14 or that he said he was going to buy these 14, I purchased 3 from him. Q. Okay. So the deal was Incredible was going to buy 14 from Steve's, and Steve's was going to buy 3 from Incredible? A. Correct. Q. And did you, in fact, buy the three from Incredible?
11 12 13 14 15 16 17 18 19 20 21 22 23 24	office at physically at the same place as the auto auction? A. It's more common than you will imagine. Q. Same for DSC? A. Correct. Q. So you've never seen the original of these or you've never had possession of the original of these titles? A. No. Q. That happens in the background with the variou auction companies and with AFC or DSC? A. Correct. They handle all the title paperwork, we don't handle it. Q. But ultimately the titles get up here?	11 12 13 14 15 16 17 18 19 20 21 22 23 24	(Recess taken) BY MR. PATTEN: Q. Steve, has Steve's Auto ever sold cars to Incredible Auto Sales excuse me, have you purchased cars from Incredible Auto Sales? A. Yes, I have. Q. And have you purchased any recently? A. I purchased 3 vehicles on the same date that I sold him these 14 or that he said he was going to buy these 14, I purchased 3 from him. Q. Okay. So the deal was Incredible was going to buy 14 from Steve's, and Steve's was going to buy 3 from Incredible? A. Correct. Q. And did you, in fact, buy the three from

	SHEET 12 PAGE 45	٨٢	PAGE 47 47
	* v * 101	45 1	titles to those?
1	A. Yes, I did.	-	A. As far as I know, yes, I've never had any
2	Q. Was that also done through the auto auction	3	problems with them. I sold them and collected on them so
3	A. Yes, it was.	4	I'm sure we did, yes.
4	Q. Did you tender payment		
5	A. Yes, I did.	5	
6	Q for the three?	6	
7	A. Yes.	7	Q. Do you know who you sold them to?
8	Q. To whom did you tender the payment?	8	A. Right through the auto auction.
9	A. The auto auction.	9	Q. Did Mr. Gutierrez tell you why he wanted to get
10	Q. And did you get the title work on the thre	ee? 10	rid of those?
11	A. I did.	11	A. He said they were over age and inventory.
12	Q. From whom did you get the title work?	12	Q. Now, he maintains at least two different lots
13	A. Auto auction.	13	for Incredible Kia; is that your understanding?
14	Q. And the title work was all signed and so f	forth 14	A. Locally in Billings, yes.
15	so that it put the title into the name of Steve's Au	ıto? 15	Q. And those are what we have called the primary
16	A. To my knowledge I didn't see the title	work, 16	and secondary lots the primary one being further east
17	but to my knowledge, it must have been.	17	on King Avenue?
18	Q. Okay. Why didn't you see the title work?	18	A. Correct.
19	A. It's something that I don't necessarily do	o 19	Q. And the secondary lot is out in front of New
20	myself there's instances that I would, but most	times 20	Beginnings?
21	it's either done by the flooring company or done by	my 21	A. It is.
22	secretary.	22	Q. Do you remember which lot these vehicles were
23	Q. Were the cars that you bought from	23	sitting on?
24	Incredible these three were they floored?	24	A. One two were on the primary lot, and one was
25	A. No, they weren't.	25	on the New Beginnings lot.
"	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
	406.259.8111		406.259.8111
1			
	PAGE 46	46	PAGE 48 48
		46	48
	Q. You paid those out of your own pocket als	o? 1	48 Q. What was your understanding of New Beginnings?
1 2	Q. You paid those out of your own pocket alsA. Correct.	o? 1 2	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet?
1 2 3	Q. You paid those out of your own pocket alsA. Correct.Q. So your title clerk would have been the p	o? 1 2 erson 3	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia.
1 2 3 4	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the p who would have handled that?	o? 1 erson 3 4	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that.
1 2 3	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct.	o? 1 2 erson 3 4 5	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings
1 2 3 4 5 6	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the p who would have handled that? A. Correct. MR. PATTEN: That's all I've got.	o? 1 2 erson 3 4 5 6	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened.
1 2 3 4 5 6	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION	o? 1 2 erson 3 4 5 6 7	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that
1 2 3 4 5 6 7	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN:	o? 1 2 erson 3 4 5 6 7 8	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building?
1 2 3 4 5 6 7 8 9	Q. You paid those out of your own pocket als A. Correct. Q. So your title clerk would have been the p who would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I	o? 1 2 erson 3 4 5 6 7 8 9	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself.
1 2 3 4 5 6 7 8 9	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met	o? 1 2 erson 3 4 5 6 7 8 9 10	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by
1 2 3 4 5 6 7 8 9 10	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we?	o? 1 2 3 4 5 6 7 8 9 10 11	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know?
1 2 3 4 5 6 7 8 9 10 11	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have.	o? 1 2 2 erson 3 4 5 6 7 8 9 10 11 12	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so.
1 2 3 4 5 6 7 8 9 10 11 12 13	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to	o? 1 2 2 erson 3 4 5 6 6 7 8 9 10 11 12 o skip 13	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly
1 2 3 4 5 6 7 8 9 10 11 12 13 14	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 skip 13 awful 14	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 skip 13 awful 14 order. 15	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 9 skip 13 awful 14 order. 15 pu 16	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your chased from Mr. Gutierrez, when did you purchased	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 o skip 13 awful 14 order. 15 ou 16 17	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez? A. Correct.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your chased from Mr. Gutierrez, when did you purchased those?	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 o skip 13 awful 14 order. 15 bu 17 18	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez? A. Correct. Q. Are you only seeking to repossess or retake
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your chased from Mr. Gutierrez, when did you purchase those? A. They would be on the same afternoon that	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 skip 13 awful 14 order. 15 bu 16 17 18 he 19	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez? A. Correct. Q. Are you only seeking to repossess or retake possession of eight of those?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your chased from Mr. Gutierrez, when did you purchase those? A. They would be on the same afternoon that purchased mine, it was that Friday.	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 9 skip 13 awful 14 order. 15 pu 16 17 18 he 19	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez? A. Correct. Q. Are you only seeking to repossess or retake possession of eight of those? A. Correct.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your chased from Mr. Gutierrez, when did you purchase those? A. They would be on the same afternoon that purchased mine, it was that Friday. Q. What vehicles were those?	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 9 skip 13 awful 14 order. 15 0u 16 17 18 he 19 20 21	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez? A. Correct. Q. Are you only seeking to repossess or retake possession of eight of those? A. Correct. Q. And of those eight, we've got the 2004 Chevy
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your chased from Mr. Gutierrez, when did you purchase those? A. They would be on the same afternoon that purchased mine, it was that Friday. Q. What vehicles were those? A. It was a 2004 Impala, a 2005 Chrysler Set	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 skip 13 awful 14 order. 15 bu 16 17 18 he 19 20 21 pring, 22	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez? A. Correct. Q. Are you only seeking to repossess or retake possession of eight of those? A. Correct. Q. And of those eight, we've got the 2004 Chevy Cavalier, this is a vehicle that Mr. Gutierrez has
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your chased from Mr. Gutierrez, when did you purchase those? A. They would be on the same afternoon that purchased mine, it was that Friday. Q. What vehicles were those? A. It was a 2004 Impala, a 2005 Chrysler Serand I don't recall the last one — I think the last	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 skip 13 awful 14 order. 15 bu 16 17 18 he 19 20 21 pring, 22 cone 23	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez? A. Correct. Q. Are you only seeking to repossess or retake possession of eight of those? A. Correct. Q. And of those eight, we've got the 2004 Chevy Cavalier, this is a vehicle that Mr. Gutierrez has already retailed?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your chased from Mr. Gutierrez, when did you purchase those? A. They would be on the same afternoon that purchased mine, it was that Friday. Q. What vehicles were those? A. It was a 2004 Impala, a 2005 Chrysler Set and I don't recall the last one — I think the last was a Neon — an '05 Neon.	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 o skip 13 awful 14 order. 15 bu 16 17 18 he 19 20 21 pring, 22 24	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez? A. Correct. Q. Are you only seeking to repossess or retake possession of eight of those? A. Correct. Q. And of those eight, we've got the 2004 Chevy Cavalier, this is a vehicle that Mr. Gutierrez has already retailed? A. That's what they told me, to my knowledge,
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your chased from Mr. Gutierrez, when did you purchase those? A. They would be on the same afternoon that purchased mine, it was that Friday. Q. What vehicles were those? A. It was a 2004 Impala, a 2005 Chrysler Set and I don't recall the last one — I think the last was a Neon — an '05 Neon. Q. And as far as you know, you did get clear	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 o skip 13 awful 14 order. 15 bu 16 17 18 he 19 20 21 pring, 22 24	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez? A. Correct. Q. Are you only seeking to repossess or retake possession of eight of those? A. Correct. Q. And of those eight, we've got the 2004 Chevy Cavalier, this is a vehicle that Mr. Gutierrez has already retailed? A. That's what they told me, to my knowledge, that's correct.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. You paid those out of your own pocket also A. Correct. Q. So your title clerk would have been the powho would have handled that? A. Correct. MR. PATTEN: That's all I've got. EXAMINATION BY MR. COLEMAN: Q. Mr. Marks, my name is Shane Coleman, I represent Hyundai Motor Finance Company. We've met before, haven't we? A. Yes, we have. Q. Let me apologize in advance, I'm going to around quite a bit because your counsel covered an lot of material and I may take some of that out of First off, let's talk about these three vehicles your chased from Mr. Gutierrez, when did you purchase those? A. They would be on the same afternoon that purchased mine, it was that Friday. Q. What vehicles were those? A. It was a 2004 Impala, a 2005 Chrysler Set and I don't recall the last one — I think the last was a Neon — an '05 Neon.	o? 1 2 erson 3 4 5 6 7 8 9 10 11 12 o skip 13 awful 14 order. 15 bu 16 17 18 he 19 20 21 pring, 22 24	Q. What was your understanding of New Beginnings? Was that owned by Incredible Kia or Incredible Chevrolet? A. Incredible Kia. Q. Tell me why you say that. A. Incredible Kia has always owned New Beginnings since it opened. Q. You mean the employees that worked out of that building? A. Both the employees and the business itself. Q. The vehicles out front were all owned by Incredible Kia, as far as you know? A. I assume so. Q. I want to make sure that I understand exactly the status of each of the 8 vehicles that we are talking about, and, first off, so I'm clear, you sold 14 vehicles to Mr. Gutierrez? A. Correct. Q. Are you only seeking to repossess or retake possession of eight of those? A. Correct. Q. And of those eight, we've got the 2004 Chevy Cavalier, this is a vehicle that Mr. Gutierrez has already retailed? A. That's what they told me, to my knowledge,

Dissically be could pick it up if he wanted to. It's no distinct the last	1	SHEET 13 PAGE 49		PAGE 51 51
files? A. No. O. The 2007 Caliber is a vehicle that you retook possession of within the last A. The you've done hours you retook possession of that vehicle, A. The retake — was it on one of Incredible's lots? A. It was staged in an area — or I should say kee beginnings, along with a dozen more — probably 14 more the vehicles. D. Hot for sale, but on their lot in the boot somewhere? A. Correct. Q. How did that vehicle — the 2007 Dodge diverded it was the stage of the pick that up or did for you deliver it? A. They picked it up. I was cut of state when they picked it up of the body shop, they picked it up of the pick that up or did for you be one of may salespecole they picked it up of the pick that up or when they would for you be one of may salespecole they picked it up of the pick that up or when they would they picked it up of the pick that up or when they would they picked it up of the pick that up or when they would they picked it up of the pick that up or when they would they picked up within the last 24 hours as well? A. The 27 caliber? A. The 30 call be applied. A. They of the did you remember they would they picked up within the last 24 hours as well? A. They would be pick the up or when they would they picked up within the last point and they picked up within the last 24 hours as well? A. The 10 call they be did you remember if it was delivered by you will not some thing up or not, you thon, A. They of the man they would be picked they of the picked up within the last 24 hours? A. The 10 call they be did you pick it up from the paint shop? A. The 10 call they be did you picked it up or when they wou		14 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	١ .	basically he could pick it up if he wanted to. It's no
A. No. Q. The 2007 Caliber is a vehicle that you retook possession of within the last A. Town-y-four hours. Q. End when you retox possession of that vehicle, did you cretke was it on one of Incredible's lots? A. It was staged in an area or is sound say kee to beginnings, along with a dozen more probably 14 more to beginnings, along with a dozen more to beginnings	1	er e		different than the Caliber, he never got permission from
The 2007 Caliber is a emicie that you retook 5 possession of within the last				me to nick up the Caliber, but he did.
possession of within the last — A. Poenty-four hours. A. Renty-four hours. A. Renty-four hours. A. Renty-four hours. A. And when you retoke — was it on one of lacerdible's tots? A. It was staged in an area — or I sould say he will not eventicles. D. Not for sale, but on their lot in the back sendence? A. Correct. C. Now did that vehicle — the 2007 Bodge status even on the industry that's purchased a vehicle from you deliver it? A. Correct. C. Now did that vehicle — the 2007 Bodge status even on the incredible Auto Sales 10:2 Now here was that specifically when it was purchased by Rick? A. Correct. A. They picked it up. I was out of state where it hey picked it up right from the body shop. C. Do you remember which body shop that was? A. They picked it up or maybe one of my salespeople about that was retailed, do you remember how that get to Incredible? A. I was at the Paint Doctor up on the Heights. D. Road sout the 2006 Cavaller that we just table of the picked it up? A. I was at my contion, then went to a service in correct. A. Roy six: I was a the paint bocker of incredible? A. They picked it up or maybe one of my salespeople incredible? A. I think it was forifically? A. The 2003 Bodge Stratus, I understood you to testify had never been physically delivered to Incredible? A. The 2003 Bodge Stratus, I understood you to testify had never been physically delivered to Incredible? A. That's correct. D. Which service place? A. The plant is provided it up? A. The was at my coation, then went to a service	1 .		į.	O. And that's just how it works in the business?
B. Thesty-for hours. R. Thesty-for hours. R. Thesty-for hours of possession of that vehicle, adding not exclude — was if to none of Incredible's lots? A. It was staged in an area — or I should say bee glow elicible. R. Correct. R. They picked it up. I was out of state when they you deliver it? R. They picked it up. I was out of state when they you can be added to go un remember which body shop. R. They picked it up. I was out of state when they you can be added to go un remember how that got to about that was retailed, do you remember how that got to about that was retailed, do you remember how that got to go about the was retailed, do you remember how that got to go about the was retailed, do you remember how that got to go about the was retailed, do you remember how that got to go about the was retailed, do you remember how that got to go about the was retailed, do you remember how that got to go about the was retailed, do you remember how that got to go about the was retailed, do you remember how that got to go about the was retailed, do you remember how that got to go about the was retailed, do you remember how that got to go about the was retailed, and you remember how that got to go about the was retailed, and you remember how that got to go about the was retailed, and you remember how that got to go about the was retailed, and you remember how that got to go about the was retailed, and you remember how that got to go about the was retailed, and you remember how the got to go about the was retailed, and you remember how that got to go about the was retailed, and you remember how that got to go about the was retailed, and you was a previous car, as far as you know, he have the got go about the was retailed, for your the Height to go. Robert an	í			A Well. I mean generally with someone that you
did you retake - was it on one of incredible's lots? A. It was staged with a dozen more probably I'd more lottles. Day and when you gith a dozen more probably I'd more lottles. Day and the venture of the control of the lottles. Day and the venture of the control of the lottles. Day and the venture of the control of the lottles of the lottles. Day and the venture of the lottles of the lottles of the lottles. Day and the venture of the lottles of the lottles of the lottles of the lottles. Day and the venture of the lottles of the lottles of the lottles of the lottles of the lottles. Day and the venture of the lottles of the lottles of the lottles of the lottles of the lottles. Day and the venture of the lottles of the lottles of the lottles of the lottles. Day and you was the lodded a wehicle from you control the lottles. Day and you was the lodded and lottle to the lottles of the lottles. Day and you was the lodded and lottles. Day and you was the lodded and lottle to the lottles of the lottles. Day and you was the lodded and lottle to the lottles of the lottles. Day and you was the lodded and lottles. Day and you was the lodded the your was the lottles. Day and you was the lodded and lottles. Day and you was the lottles. Day and you was t				know that you've done business with generally someone
did you retake — was it on one of Incredible's lots? A. It was staged in an area — or I asould say Bee sever on the Incredible Auto Sales let? Definings, along with a dozen more — probably 14 more live vericles. O. Not for sale, but on their lot in the back list of the correct. A. Correct. A. Correct. A. Correct. A. Whey picked it up. I was out of state when they you deliver it? A. They picked it up. I was out of state when they about the Point from the body shop. List was at the Paint Doctor up on the Beighter of the Paint Tool up o		A. "Wenty-four nours.		you know in the industry that's purchased a vehicle from
8 A. It was staged in ar area — or I should say bee is vehicles. 9 A. It was taged in ar area — or I should say bee is vehicles. 10 Beeinnings, along with a dozen more — probably 14 more to vehicles. 11 vehicles. 12 Q. Not fer sale, but on their lot in the back to get a summarize of the same of the sa	i	Q. And when you retook possession of that vehicle,	Ι,	you wash nick it in
beginnings, along with a dozen more — probably 14 more vehicles. Vehicles. Q. Not for sale, but on their lot in the back somewhere? A. Correct. May be divered to the lot sale, but on their lot in the back somewhere? A. Correct. May be diver it? A. They picked it up of the body shop. D. Do you remember which body shop that was? A. It was at the Paint Doctor up on the Heights. A. I was at the Paint Doctor up on the Heights. A. I was at the Paint Doctor up on the Heights. A. I don't recall, I'm not sure if one of their JAN BABRY COURT REPORTING A. They DOUGhed it up or maybe one of my salespeople of droped it off, I'm not sure. A. I think it was prifically? A. I think it was friefine Reterprise to get some survice work done. A. They are was that specifically? A. I think it was Griffine Reterprise to get some survice work done. A. That's correct. Mine which service place? A. That's correct. Mine did that vehicle — the 2007 Dodge of the lock that was the arrangement with thr. Quiterers in terms of when he could pick that up or when they would deliver it? A. They picked it up or maybe one of my salespeople of the stify has never been physically delivered to Incredible? A. I think it was Griffine Reterprise to get some survice work done. Q. Which service place? A. I think it was Griffine Reterprise to get some survice work done. Q. Which service place? A. I think it was Griffine Reterprise to get some delivered to Rick's lot? A. I think it was Griffine Reterprise to get some survice work done. Q. Which was the arrangement with thr. Quiterers in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick something up or not, you know, JAN BARRY COURT REFORTING A. I don't recall it was no. Q. Same with a dozen or something we have the permission from you to within the last 24 hours? A. When it was Completed. Q. Would he have to get permission from you to when the paint shop cheal it up? A. I was picke		did you retake was it on one of incredible's focs:	1 ~	As far as you know, was the 2003 Dodge Stratus
vehicles. 12	1	A. It was staged in an area or I should say New	10	ever on the Incredible Auto Sales lot?
Venicles Q. Not for sale, but on their lot in the back 13 Somewhere?				· ·
somewhere? 14		vehicles.	1	A. Not to my knowledge.
A. Correct. 14				
No. Collect. No.	13		1	
Caliber get to Nick's 1of? Did he pick that up or did 16 17 17 18 A. They picked it up. I was out of state when 18 A. They picked it up right from the body shop. 19 20 Q. Do you remember which body shop that was? 21 A. It was at the Paint Doctor up on the Heights. 22 A. It was at the Paint Doctor up on the Heights. 23 about that was retailed, do you remember how that got to 24 Incredible? A. I not sure if one of their JAM BARRY COURT REPORTING 25 A. I don't recall, I'm not sure if one of their JAM BARRY COURT REPORTING 26 A. No, that's correct. 26 A. No, that's correct. 27 A. The 'or caliber? 28 A. The 's correct 29 A. The 'or caliber? 29 A. The 'or caliber? 20 And you have had possession of let's get back to the Status, I apologize. The Stratus is one you JAN BARRY COURT REPORTING 27 A. No, that's correct. 29 A. The 'or caliber? 29 A. The 'or caliber? 20 And you have had possession of let's get back to the Status, I apologize. The Stratus is one you JAN BARRY COURT REPORTING 28 A. No, sir. I've had that since the beginning. 29 A. The 'or caliber? 20 A. The 'or call' the 'or	14	A. Correct.		A. NO, SII.
you deliver it? A. They picked it up. I was out of state when they picked it up right from the body shop. D. Do you remember which body shop that was? A. It was at the Paint Doctor up on the Heights. Q. Row about the 2004 Carplier that we just talked? Incredible? A. It don't recall, I'm not sure if one of their JAN BARRY COURT REPORTING 406.259.8111 PRGE 50 Salespeeple picked it up or maybe one of my salespeeple dropped it off, I'm not sure. Q. An at some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible Auto Sales? A. That's correct. Q. Where was that specifically? Q. Where was that specifically? A. That's correct. Q. Where was that specifically? A. That's correct. Q. Where was that specifically? A. The was at my location, then went to a service place to get some service work done. Q. Which service place? A. That's correct. Q. Whore was that specifically? A. The was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Criffins Enterprise to get some service work done. Q. Which service place? A. The '07 caliber? Q. I'm sorry, the 2005 Kia, Nick never picked that one upon the sequence of their some picked it up. I'm sorry, the 2005 Kia, Nick never picked that one upon the never pic	15	Q. How did that vehicle the 2007 Dodge	1	
you deliver it? A. They picked it up. I was out of state when they picked it up right from the body shop. Q. Do you remember which body shop that was? A. It was at the Paint Doctor up on the Beights. Q. How about the 2004 Cavalier that we just talked? A. It was at the Paint Doctor up on the Beights. A. The "OT caliber? Q. I'm sorry, the 2005 Kia, Nick never picked that one up. 1 more picked it up? A. The "OT caliber? Q. I'm sorry, the 2005 Kia, Nick never picked that one up. 2 more up. 2 more up. 3 more up. 2 more up. 3 more up. 4 more picked it up. 3 more up. 4 more picked it up. 3 more up. 4 more picked it up. 4 more picked it up. 4 more up. 4	16	Caliber get to Nick's lot? Did he pick that up or did	1 10	
they picked it up right from the body shop. 0. Do you remember which body shop. 20. A. It was at the Paint boctor up on the Heights. 21. A. It was at the Paint boctor up on the Heights. 22. Q. How about the 2004 Cavalier that we just talked 22. 23. about that was retailed, do you remember how that got to 24. Incredible? 25. A. I don't recall, I'm not sure if one of their JAN BARRY COURT REPORTING 406.259.8111 PAGE 50 1 salespeople picked it up or maybe one of my salespeople 2 dropped it off, I'm mot sure. 3 Q. At some point, though, it was physically on 1 incredible's lot? 5 A. It was. 4 That's correct. 6 Q. The 2003 Bodge Stratus, I understood you to 2 testify had never been physically delivered to Incredible 8 Auto Sales? A. That's correct. 10 Q. Where was that specifically? A. Think it was Griffins Enterprise to get some service work done. 12 Q. Which service place? A. I think it was Griffins Enterprise to get some 1 terms of when he could pick that up or when they would 1 deliver it? 19 A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him 2 directly? A. You know, I don't — it's something that we don't really forego arrangements of who — if you need 2 permission to pick something up or not, you know, JAN BARRY COURT REPORTING 20 A. No, sir. I've had that since the beginning. 406.259.8111 PAGE 52 A. No, sir. I've had that since the beginning. A. No, sir. I've had that since the beginning. A. Probably — I don't know the exact date, to be honsest with you, I wouldn't want to — 9 A. The '07 caliber? 10 A. When did you — so you probably — I don't know the exact date, to be honsest with you, I wouldn't want to — 10 A. When it was Griffins Enterprise to get some service work done. 11 terms of when he could pick that up or when they would the paint shop call him 2 directly? 12 A. When did you — so you premember whether it was delivered to Nick's lot? A. It was. 9 A. Oh, yes. 10 A. Oh would he have to get permission from yo	17	you deliver it?	1I	for an arm limit.
they picked it up right from the body shop that was? 1	18	A. They picked it up. I was out of state when		
20. Do you remember which body shop that was? 21. A. It was at the Paint Doctor up on the Heights. 22. Q. Bow about that was retailed, do you remember how that got to JAN BARRY COURT REPORTING about that was retailed, do you remember how that got to JAN BARRY COURT REPORTING A 1 I don't recall, I'm not sure if one of their JAN BARRY COURT REPORTING 406.259.8111 PAGE 50 PAGE 50 1 salespeople picked it up or maybe one of my salespeople dropped it off, I'm not sure. 3 Q. At some point, though, it was physically on I Incredible's lot? 5 A. It was. 6 Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible huto Sales? 9 A. That's correct. 10 Q. Where was that specifically? 11 A. It was at my location, then went to a service places to get some service work done. 12 Q. Which service places? 13 A. It was Completed. 24 Q. Would be have to get permission from you to pick it up at that point or would the paint shop call him deliver it? 19 A. When it was completed. Q. Would be have to get permission from you to pick it up at that point or would the paint shop call him deliver it? 19 A. You know, I don't — it's something that we don't really forego arrangements of who — if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING 2 A. You know, I don't — it's something that we don't really forego arrangements of who — if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING 2 A. You know, I don't — it's something that we don't really forego arrangements of who — if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING 2 A. You know, I don't — it's something that we don't really forego arrangements of who — if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING 2 A. You know ALRY COURT REPORTING 2 A. Hand you have had possession of — let's get back to the Status, I apologize. The Stratus is one up? 2 A. No, str. I've had that since the beginning. 3		they picked it up right from the body shop.		
A. It was at the Paint Doctor up on the Beights. 21 20. Bow about the 2004 Cavalier that we just talked 22 3 about that was retailed, do you remember how that got to 24 Incredible? 25 A. I don't recall, I'm not sure if one of their JAN EARRY COURT REPORTING 406.259.8111 PRAGE 50 2 at some point, though, it was physically on 4 Incredible's lot? 3 Q. At some point, though, it was physically on 4 Incredible's lot? 5 A. It was. 6 Q. The 2003 Dodge Stratus, I understood you to 7 testify had never been physically delivered to Incredible 8 Auto Sales? 9 A. That's correct. 10 Q. Whore was that specifically? 11 A. It was at my location, then went to a service 12 place to get some service work done. 12 Q. Which service place? 13 A. It think it was Griffins Enterprise to get some 15 painting done. 16 Q. What was the arrangement with Mr. Gutierrez in 1 terms of when he could pick that up or when they would 18 deliver it? 19 A. When it was completed. 20 Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him 22 directly? 21 A. You know, I don't it's something that we don't really forego arrangements of who if you need 24 permission to pick something up or not, you know, JAN BARRY COURT REPORTING 24 Daniel 21 that you picked up more than a week ago? 22 A. I don't recall it was, no. 23 A. You know, I don't it's something that we don't really forego arrangements of who if you need 24 don't really forego arrangements of who if you need 25 permission to pick something up or not, you know, JAN BARRY COURT REPORTING 24 Daniel 25 Daniel 27 Danie		O. Do you remember which body shop that was?	1	A. The U/ Callber?
One up? A lon't recall, I'm not sure if one of their JAN BARRY COURT REPORTING 406.259.8111 PAGE 50 1 salespeople picked it up or maybe one of my salespeople dropped it off, I'm not sure. 2 Q. A tosme point, though, it was physically on testify had never been physically delivered to Incredible and Auto Sales? A It was. Q D. Mhere was that specifically? A It was at my location, then went to a service place to get some service work done. Q Which service place? A I think it was Griffins Enterprise to get some painting done. Q Whorld was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A When it was completed. Q Would he have to get permission from you to pick it up at that point or would the paint shop call him terms of when he could pick that up or when they would deliver it? A No, that's correct. Q And you have had possession of — let's get back to the Status, I apploalize. The Stratus is one you JAN BARRY COURT REPORTING A No, that's correct. PAGE 52 A No, that's correct. Q And you have had possession of — let's get back to the Status, I apploalize. The Stratus is one you JAN BARRY COURT REPORTING A No, that's correct. Q And you have had possession of — let's get back to the Status, I apploalize. The Stratus is one you JAN BARRY COURT REPORTING A No, that's correct. PAGE 52 A No, sir. I've had that since the beginning. Q When did you — so you picked it up from the paint shop, then? A Probably — I don't know the exact date, to be honest with you, I wouldn't want to — Q More than aweek ago? A No, that's correct. Q When did you — so you picked it up from the paint shop, then? A Probably — I don't know the exact date, to be honest with you, I wouldn't want to — Q More than aweek ago? A No, tran't apploalize. The Stratus is one you Joked up vithen the last 24 hours as well? A No, sir. I've had that since the beginning. Q When did you — so you picked it up from the paint shop, then? A Probably — I don't know the exact date, to		A. It was at the Paint Doctor up on the Heights.	,	
23 about that was retailed, do you remember how that got to 24 Incredible? 24 Incredible? A. I don't recall, I'm not sure if one of their JAN BARRY COURT REPORTING 406.259.8111 PAGE 50 1 salespeople picked it up or maybe one of my salespeople dropped it off, I'm not sure. 3		O. How about the 2004 Cavalier that we just talked	1 22	one up?
A. I don't recall, I'm not sure if one of their JAN BARRY COURT REPORTING 406.259.8111 PAGE 50 1 salespeople picked it up or maybe one of my salespeople dropped It off, I'm not sure. 2 0. At some point, though, it was physically on Incredible's lot? 5 A. It was. 6 Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible Auto Sales? 9 A. That's correct. 10 Q. Where was that specifically? 11 A. It was at my location, then went to a service place to get some service work done. 12 place to get some service work done. 13 Q. Which service place? 14 A. I think it was Griffins Enterprise to get some painting done. 15 painting done. 16 Q. When it was completed. 17 terms of when he could pick that up or when they would deliver it? 18 A. When it was completed. 19 A. When it was completed. 20 Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him deliver it? 21 A. No, sir. I've had that since the beginning. 22 A. Would never been physically on the paint shop; A. I that sa tarmy location, then went to a service place to get some service work done. 15 painting done. 16 Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? 18 A. When it was completed. 29 Q. Would he have to get permission from you to pick it up from the paint shop; A. Yes. 19 A. That's correct. 10 Q. Where was that specifically? 10 A. I think it was Griffins Enterprise to get some service work done. 11 terms of when he could pick that up or when they would deliver it? 20 A. When did you pick it up from the paint shop; A. Yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. Do you remember whether it was delivered by yor or whether he picked it up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something yor pot, you know, JAN BARRY COURT REPORTING		about that was retailed, do you remember how that got to	23	A. No, that's correct.
A. I don't recall, I'm not sure if one of their JAN BARRY COURT REPORTING 406.259.8111 PAGE 50 1 salespeople picked it up or maybe one of my salespeople 2 dropped it off, I'm not sure. 3 Q. At some point, though, it was physically on 4 Incredible's lot? 5 A. It was. 6 Q. The 2003 Dodge Stratus, I understood you to 7 testify had never been physically delivered to Incredible 8 Auto Sales? 9 A. That's correct. 10 Q. Where was that specifically? 11 A. It was at my location, then went to a service 12 place to get some service work done. 13 Q. Which service place? 14 A. I think it was Griffins Enterprise to get some 15 Q. What was the arrangement with Mr. Gutierrez in 16 Q. What was the arrangement with Mr. Gutierrez in 17 terms of when he could pick that up or when they would 18 deliver it? 19 A. When it was completed. 20 Would he have to get permission from you to 21 pick it up at that point or would the paint shop call him 22 directly? 23 A. You know, I don't it's something that we don't really forego arrangements of who if you need 24 don't really forego arrangements of who if you need 25 permission to pick something up or not, you know, JAN BARRY COURT REPORTING PAGE 52 picked up within the last 24 hours as well? A. No, sir. I'we had that since the beginning. PAGE 52 picked up within the last 24 hours as well? A. No, sir. I'we had that since the beginning. A. No, sir. I'we had that since the beginning. A. No, sir. I'we had that since the beginning. A. No, sir. I'we had that since the beginning. A. No, sir. I'we had that since the beginning. A. No, sir. I'we had that since the beginning. A. No, sir. I'we had that since the beginning. A. No, sir. I'we had that since the beginning. A. No, sir. I'we had that since the beginning. A. No ther? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. It was. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. I don't recall. Q. Do you remember if it was		Incredible?	24	Q. And you have had possession of let's yet
JAN BARRY COURT REPORTING 406.259.8111 PAGE 50 1 salespeople picked it up or maybe one of my salespeople 2 dropped it off, I'm not sure. 3 Q. At some point, though, it was physically on 4 Incredible's lot? 5 A. It was. 6 Q. The 2003 Dodge Stratus, I understood you to 7 testify had never been physically delivered to Incredible 8 Auto Sales? 9 A. That's correct. 10 Q. Where was that specifically? 11 A. It was at my location, then went to a service 12 place to get some service work dome. 13 Q. Which service place? 14 A. I think it was Griffins Enterprise to get some 15 painting done. 16 Q. What was the arrangement with Mr. Gutierrez in 17 terns of when he could pick that up or when they would 18 deliver it? 19 A. When it was completed. 20 Q. Would he have to get permission from you to 21 pick dup within the last 24 hours as well? 2 A. No, sir. I've had that since the beginning. 2 Q. When did you so you picked it up from the paint shop, then? 3 A. Probably I don't know the exact date, to be honest with you, I wouldn't want to 9 Q. More than a week ago? A. Oh, yes. Q. And the same with the Xia Spectra, it's one that you picked up more than a week ago? A. I twas. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. I don't recall: Q. Do you remember whether it was delivered by yor or whether he picked it up? A. I don't recall: Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something yo prick on the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop, then? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. And the same with the Xia Spectra, it's one that you picked up more than a week ago? A. I twas. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. I don't recall: Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall: A. I don't recall it was, no. Q. Same with the Ponti		A. I don't recall, I'm not sure if one of their	25	back to the Status, I apologize. The Stratus is one you
### 406.259.8111 PAGE 50 1 salespeople picked it up or maybe one of my salespeople dropped it off, I'm not sure. 2		JAN BARRY COURT REPORTING		
salespeople picked it up or maybe one of my salespeople dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop, and the same with the Kia Spectra, it's one that you picked up more than a week ago? A. It was. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by yo or whether he picked it up? A. I don't recall. Q. Do you remember if'it was in a body shop befor it was picked up it was, no. Q. Same with the Pontiac G6, this is something yo picked up within the last 24 hours as well? A. No, sir. I've had that since the beginning. Q. When did you pick it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop, then? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. It was. Q. Do you remember whether it was delivered by or wheth				406.259.8111
salespeople picked it up or maybe one of my salespeople dropped it off, I'm not sure. 0. At some point, though, it was physically on Incredible's lot? A. It was. 0. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible Auto Sales? A. That's correct. 0. Where was that specifically? 11. A. It was at my location, then went to a service place to get some service work done. 12. Place to get some service work done. 13. Q. Which service place? 14. A. I think it was Griffins Enterprise to get some painting done. 15. painting done. 16. Q. What was the arrangement with Mr. Gutierrez in 17. terms of when he could pick that up or when they would 18. deliver it? 19. A. When it was completed. 20. Would he have to get permission from you to pick it up at that point or would the paint shop, and the same with the Xia Spectra, it's one that you picked up more than a week ago? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. It was. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall; Q. Same with the Pontiac G6, this is something yo picked up within the last 24 hours as well? A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Oh, yes. Q. More than a week ago? A. Oh, yes. Q. And the same with the Xia Spectra, it's one that you picked up more than a week ago? A. It was. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by yo or whether he picked it up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something yo picked up in the last 24 hours? A. Oh, yes. Q. More than a week ago? A. Oh, yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something yo picked up? A. You know, I don't it's som	-	PAGE 50	0	PAGE 52 52
dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop, then? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. I think it was delivered by you whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something yo picked it up from the paint shop, then? A. Correct. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop, then? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something yo pick it up from the paint shop, then? A. On't recall it was, no. Q. Same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up in the last 24 hours? A. Yes, I don't recall. A. You know, I do			V 1	- A -
Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Word he have to get permission from you to pick it up at that point or would the paint shop, then? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by yor or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something yo picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING		learner to micked it up or maybe one of my salespeople	1	picked up within the last 24 hours as well?
Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible Auto Sales? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by yor or whether he picked it up? A. I don't recall. Q. Bo you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something yo picked up in the last 24 hours? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. A. It was you picked up more than a week ago? A. It was. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember it was delivered by yor or whether he picked it up? A. I don't recall. Q. Same with the Pontiac G6, this is something yo picked up in the last 24 hours? A. You know, I don't resporting A. You know, I don't resporting A. You know I don't resporting A. You know I don't resporting		salespeople picked it up or maybe one of my salespeople	- 1	the bearings
A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by yor or whether he picked it up? A. I don't recall. Q. Same with the Pontiac G6, this is something yo picked up in the last 24 hours? A. JAN BARRY COURT REPORTING	2	dropped it off, I'm not sure.	2	A. No, sir. I've had that since the beginning.
A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING	2	dropped it off, I'm not sure. Q. At some point, though, it was physically on	2 3	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the
testify had never been physically delivered to Incredible 8 Auto Sales? 9 A. That's correct. 10 Q. Where was that specifically? 11 A. It was at my location, then went to a service 12 place to get some service work done. 13 Q. Which service place? 14 A. I think it was Griffins Enterprise to get some 15 painting done. 16 Q. What was the arrangement with Mr. Gutierrez in 17 terms of when he could pick that up or when they would 18 deliver it? 19 A. When it was completed. 20 Q. Would he have to get permission from you to 21 pick it up at that point or would the paint shop call him directly? 22 A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. 20 Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. I don't recall it was, no. A. Yes, it was. JAN BARRY COURT REPORTING	2 3 4	<pre>dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot?</pre>	2 3	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then?
Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by yor or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something yor picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 3 4	<pre>dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was.</pre>	2 3 4 5	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. O. When did you pick it up from the paint shop?
A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him don't really forego arrangements of who if you need don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING 9. More than a week ago? A. Oh, yes. 11 Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING	2 3 4 5 6	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. O. The 2003 Dodge Stratus, I understood you to	2 3 4 5 6	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop?
Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING	2 3 4 5 6 7	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredible	2 3 4 5 6 7	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be
A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING	2 3 4 5 6 7 8	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales?	2 3 4 5 6 7 8	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to
place to get some service work done. 12	2 3 4 5 6 7 8 9	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct.	2 3 4 5 6 7 8 9	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago?
Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 3 4 5 6 7 8 9	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically?	2 3 4 5 6 7 8 9	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes.
A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING 14 Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 3 4 5 6 7 8 9 10	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service	2 3 4 5 6 7 8 9 10	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one
painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 3 4 5 6 7 8 9 10 11 12	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done.	2 3 4 5 6 7 8 9 10 11 12	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago?
Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 3 4 5 6 7 8 9 10 11 12 13	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place?	2 3 4 4 5 6 6 7 7 8 9 10 11 12 13	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes.
terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 3 4 5 6 7 8 9 10 11 12 13	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some	2 3 4 4 5 6 6 7 7 8 9 10 11 12 13 14 14	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact,
deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING 18 or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 3 3 4 4 5 5 6 6 7 7 8 8 9 10 11 12 13 14 15	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done.	2 3 4 4 5 6 6 7 8 9 10 11 12 13 14 15	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot?
A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall. Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall.	2 2 3 4 4 5 6 6 7 7 8 9 10 11 12 13 14 15 16	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in the source of the source of the source of the service of the	2 3 4 4 5 6 6 7 7 8 9 10 11 12 13 14 15 1 16	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was.
Q. Would he have to get permission from you to pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING Q. Do you remember if it was in a body shop befor it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something yo picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 2 3 3 4 4 5 6 6 7 7 8 9 100 111 122 133 144 155 166 177	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would	2 3 3 4 4 5 6 6 7 7 8 9 100 111 122 133 144 155 16 17 16 17 17 17 18 18 18 17 18 18 18 18 18 18 18 18 18 18 18 18 18	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you
pick it up at that point or would the paint shop call him directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 3 3 4 4 5 6 6 7 7 7 8 8 9 9 100 111 121 13 144 155 166 177 18	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it?	2 3 3 4 4 5 6 6 7 7 8 9 10 11 12 13 14 15 16 17 18	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up?
directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING 22 A. I don't recall it was, no. 23 Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 2 3 3 4 4 5 6 6 7 7 8 9 9 10 11 12 13 14 15 16 17 18 15 16 17 18 15 16 17 18 15 16 17 18 15 16 17 18 15 16 17 18 15 16 17 18 18 17 18 18 18 18 18 18 18 18 18 18 18 18 18	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed.	2 3 3 4 4 5 6 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 19 19 19 19 19 19 19 19 19 19 19 19	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall.
A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING 23 Q. Same with the Pontiac G6, this is something yo picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 2 3 3 4 4 5 5 6 6 7 7 8 8 9 100 111 122 133 144 155 166 177 18 15 20	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to	2 2 3 3 4 4 5 6 6 7 7 8 9 100 111 122 133 144 155 166 179 188 199 200 111 122 133 144 155 166 179 188 199 200 111 118 119 118 118	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop before
24 don't really forego arrangements of who if you need 25 permission to pick something up or not, you know, JAN BARRY COURT REPORTING 26 picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING	2 2 3 4 4 5 5 6 6 7 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 20 21	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call he	2 2 3 3 4 4 5 6 6 7 7 8 9 100 111 122 133 144 155 16 17 18 19 20 20 20 11 11 12 12 13 14 15 15 16 17 18 19 20 20 11 11 11 11 11 11 11 11 11 11 11 11 11	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop before it was picked up?
25 permission to pick something up or not, you know, JAN BARRY COURT REPORTING JAN BARRY COURT REPORTING ACC 250 0111	2 2 3 3 4 4 5 5 6 6 7 7 8 8 9 100 111 122 133 144 155 166 177 18 12 20 21 22 22 22 22 22 22 22 22 22 22 22 22	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call he directly?	2 2 3 4 4 5 6 6 7 7 8 8 9 100 111 122 133 144 155 166 177 188 199 200 200 200 200 200 200 200 200 200 2	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop before it was picked up? A. I don't recall it was, no.
JAN BARRY COURT REPORTING JAN BARRY COURT REPORTING	2 2 3 3 4 4 5 5 6 6 7 7 8 8 9 100 111 122 133 144 155 166 177 18 12 20 21 22 22 22 22 22 22 22 22 22 22 22 22	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call he directly? A. You know, I don't it's something that we	2 3 3 4 4 5 6 6 7 7 8 8 9 9 100 111 122 133 144 15 16 15 18 19 20 20 20 20 20 20 20 20 20 20 20 20 20	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop before it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you
UNIV DARKI COOKI KBIOKITKO	2 2 3 3 4 4 5 5 6 6 7 7 7 8 8 9 9 100 111 122 133 144 155 166 177 18 15 15 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call he directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need	2 2 3 3 4 4 5 6 6 7 7 8 8 9 9 100 111 122 133 144 155 166 17 18 19 20 22 22 22 22 24	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop before it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours?
1 400.253.0111	2 3 3 4 4 5 6 6 7 7 7 8 8 9 9 100 111 121 131 144 155 166 177 18 19 20 21 22 22 22 22 24	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call he directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know,	2 2 3 3 4 4 5 6 6 7 7 8 8 9 9 100 111 122 133 144 155 166 17 18 19 20 22 22 22 22 24	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop before it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. Yes, it was.
400,233,0111	2 2 3 3 4 4 5 5 6 6 7 7 7 8 8 9 9 100 111 122 133 144 155 166 177 18 15 15 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	dropped it off, I'm not sure. Q. At some point, though, it was physically on Incredible's lot? A. It was. Q. The 2003 Dodge Stratus, I understood you to testify had never been physically delivered to Incredibl Auto Sales? A. That's correct. Q. Where was that specifically? A. It was at my location, then went to a service place to get some service work done. Q. Which service place? A. I think it was Griffins Enterprise to get some painting done. Q. What was the arrangement with Mr. Gutierrez in terms of when he could pick that up or when they would deliver it? A. When it was completed. Q. Would he have to get permission from you to pick it up at that point or would the paint shop call he directly? A. You know, I don't it's something that we don't really forego arrangements of who if you need permission to pick something up or not, you know, JAN BARRY COURT REPORTING	2 2 3 3 4 4 5 6 6 7 7 8 8 9 9 100 111 122 133 144 155 166 17 18 19 20 22 22 22 22 24	A. No, sir. I've had that since the beginning. Q. When did you so you picked it up from the paint shop, then? A. Correct. Q. When did you pick it up from the paint shop? A. Probably I don't know the exact date, to be honest with you, I wouldn't want to Q. More than a week ago? A. Oh, yes. Q. And the same with the Kia Spectra, it's one that you picked up more than a week ago? A. Yes. Q. The 2002 Mercury Sable, that one was, in fact, delivered to Nick's lot? A. It was. Q. Do you remember whether it was delivered by you or whether he picked it up? A. I don't recall. Q. Do you remember if it was in a body shop before it was picked up? A. I don't recall it was, no. Q. Same with the Pontiac G6, this is something you picked up in the last 24 hours? A. Yes, it was. JAN BARRY COURT REPORTING

	SHEET 14 PAGE 53]	PAGE 55 55
1	Q. This one was physically delivered to Incredible	1	Q. Now, before September of 2006, when was the
1	Q. This one was physically delivered to incredible Auto Sales before the bankruptcy?	2	last time you bought or sold vehicles to or from Nick or
2	A. Before the bankruptcy, yes.	3	any of his companies?
3	Q. The 2005 Suzuki Forenza, same with that one, it	4	A. Physically on a one to one basis, probably four
5	was physically on the Incredible Auto Sales lot?	5	to six months prior.
6	A. At the time of	6	Q. And tell me what you mean by physically on a
7	Q. At the time of bankruptcy?	7	one to one basis?
8	A. Yes, it was.	8	A. If I were to go to his dealership or he was to
9	Q. And you have that one in your possession within	9	come to my dealership. Now, if he has employees at the
10	the last 24 hours?	10	auto auction that I have a vehicle that runs through the
11	A. Yes.	11	auto auction they purchase, I consider that not a deal
12	Q. How about I don't remember the name of it	12	that I have done with him personally.
13	whatever Exhibit 8 was?	13	Q. You might have bought his vehicles, but if you
14	M. Onlyotel tout and counsel.	14	did so, it was because they just happened to pass through
15	O. That volitore had also projections	15	the auto auction you may have purchased vehicles from
16	tile tot, i assame.	16	Incredible Auto Sales or sold them to him, but if those
17	A. That's another one they picked up from the body	17	transactions within the preceding four months, but if
18		18	those transactions happened, it was purely because they
19	Q. And this one, I believe you testified has been	19	went through the I forgot the term you used they
20	ictarrow.	20	went through the auction open to everybody?
] 21	A. Ico.	21	A. Correct. O. What's that called where they not the
22	g. bo you know the outs that	22	Q. What's that called where they not the showroom, but where they go through the
23	11. 1 00.	23 24	A. The arena.
24	Q. Tou do.	25	Q. The arena. Had you spoken with Mr. Gutierrez
25	A. Of course.	23	JAN BARRY COURT REPORTING
	JAN BARRY COURT REPORTING	l	406.259.8111
	406.259.8111		PAGE 56
	PAGE 54 54		ე ნ
1	Q. Maybe I misunderstood you. You own this on	1	about purchasing or selling vehicles in the previous four
2	your lot, Exhibit 8?	2	to five months?
3	A. No, I own the vehicle, I don't have it, though.	3	A. No.
4	Q. Oh, okay, I see the distinction you are making	4	Q. And over the last six years, I think you
5	now. Who has physical possession of it?	5	testified you probably had sold a hundred vehicles to
6	A. I have no idea.	16	
17		6	him?
	Q. It's have you asked Nick or anybody in	7	A. Probably, yes.
8	Incredible who has these vehicles that have been sold?	7 8	A. Probably, yes.Q. So was it unusual that you had not sold
9	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that	7 8 9	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to
9 10	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list,	7 8 9 10	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months?
9 10 11	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list.	7 8 9 10 11	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying.
9 10 11 12	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto	7 8 9 10 11 12	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold
9 10 11 12 13	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles?	7 8 9 10 11 12 13	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time.
9 10 11 12 13 14	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no.	7 8 9 10 11 12 13	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four
9 10 11 12 13 14 15	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken	7 8 9 10 11 12 13 14 15	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that
9 10 11 12 13 14 15 16	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken possession of physically located now?	7 8 9 10 11 12 13 14 15 16	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that unusual?
9 10 11 12 13 14 15 16 17	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken possession of physically located now? A. 1717 First Avenue North.	7 8 9 10 11 12 13 14 15	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that unusual? A. Well, no, I went through that four or five-month period was kind of a bad period for us, losing
9 10 11 12 13 14 15 16 17	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken possession of physically located now? A. 1717 First Avenue North. Q. And again, I apologize if this was covered	7 8 9 10 11 12 13 14 15 16	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that unusual? A. Well, no, I went through that four or five-month period was kind of a bad period for us, losing our grandchild, and, you know, it's kind of it takes a
9 10 11 12 13 14 15 16 17 18	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken possession of physically located now? A. 1717 First Avenue North. Q. And again, I apologize if this was covered already, but do each of these vehicles then have are	7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that unusual? A. Well, no, I went through that four or five-month period was kind of a bad period for us, losing our grandchild, and, you know, it's kind of it takes a lot out of you, I hope no one ever feels the feeling of
9 10 11 12 13 14 15 16 17 18 19 20	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken possession of physically located now? A. 1717 First Avenue North. Q. And again, I apologize if this was covered already, but do each of these vehicles then have are they each subject to the flooring line of your lenders?	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that unusual? A. Well, no, I went through that four or five-month period was kind of a bad period for us, losing our grandchild, and, you know, it's kind of it takes a lot out of you, I hope no one ever feels the feeling of that, and the business wasn't something that it was
9 10 11 12 13 14 15 16 17 18 19 20 21	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken possession of physically located now? A. 1717 First Avenue North. Q. And again, I apologize if this was covered already, but do each of these vehicles then have are they each subject to the flooring line of your lenders?	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that unusual? A. Well, no, I went through that four or five-month period was kind of a bad period for us, losing our grandchild, and, you know, it's kind of it takes a lot out of you, I hope no one ever feels the feeling of that, and the business wasn't something that it was secondhand, to be honest with you.
9 10 11 12 13 14 15 16 17 18 19 20 21 22	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken possession of physically located now? A. 1717 First Avenue North. Q. And again, I apologize if this was covered already, but do each of these vehicles then have are they each subject to the flooring line of your lenders? A. Yes, they are. Q. Even the one that had the title from Denny Menholt?	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that unusual? A. Well, no, I went through that four or five-month period was kind of a bad period for us, losing our grandchild, and, you know, it's kind of it takes a lot out of you, I hope no one ever feels the feeling of that, and the business wasn't something that it was secondhand, to be honest with you. Q. Sure. I'm very sorry to hear that. Have you
9 10 11 12 13 14 15 16 17 18 19 20 21	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken possession of physically located now? A. 1717 First Avenue North. Q. And again, I apologize if this was covered already, but do each of these vehicles then have are they each subject to the flooring line of your lenders? A. Yes, they are. Q. Even the one that had the title from Denny Menholt? A. I haven't borrowed any money on it yet, no,	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that unusual? A. Well, no, I went through that four or five-month period was kind of a bad period for us, losing our grandchild, and, you know, it's kind of it takes a lot out of you, I hope no one ever feels the feeling of that, and the business wasn't something that it was secondhand, to be honest with you. Q. Sure. I'm very sorry to hear that. Have you ever been in business with Nick?
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken possession of physically located now? A. 1717 First Avenue North. Q. And again, I apologize if this was covered already, but do each of these vehicles then have are they each subject to the flooring line of your lenders? A. Yes, they are. Q. Even the one that had the title from Denny Menholt? A. I haven't borrowed any money on it yet, no, that would be the only one that hasn't.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that unusual? A. Well, no, I went through that four or five-month period was kind of a bad period for us, losing our grandchild, and, you know, it's kind of it takes a lot out of you, I hope no one ever feels the feeling of that, and the business wasn't something that it was secondhand, to be honest with you. Q. Sure. I'm very sorry to hear that. Have you ever been in business with Nick? A. No.
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Incredible who has these vehicles that have been sold? A. They actually supplied a list of vehicles that were sold to all the attorneys, and I did see the list, but I don't know the people's name on the list. Q. Have you spoken to anyone at Incredible Auto Sales about what happened to these vehicles? A. Personally, no. Q. Where are the vehicles that you've taken possession of physically located now? A. 1717 First Avenue North. Q. And again, I apologize if this was covered already, but do each of these vehicles then have are they each subject to the flooring line of your lenders? A. Yes, they are. Q. Even the one that had the title from Denny Menholt? A. I haven't borrowed any money on it yet, no,	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Probably, yes. Q. So was it unusual that you had not sold vehicles to or from him within the last four to five months? A. It was it's unusual in a sense of him buying as many as he did, but it wasn't a question of if I sold them in the past as many as 20 as one time. Q. But how about the lapse in time there of four to five months without selling anything to him, was that unusual? A. Well, no, I went through that four or five-month period was kind of a bad period for us, losing our grandchild, and, you know, it's kind of it takes a lot out of you, I hope no one ever feels the feeling of that, and the business wasn't something that it was secondhand, to be honest with you. Q. Sure. I'm very sorry to hear that. Have you ever been in business with Nick?

	SHEET 15 PAGE 57			PAGE 59	59
1	O Did Nick wood to ou	57 In a car lot on First Avenue	1	Q. Hav	re any of your employees seen the originals
1	Q. Did Nick used to ow somewhere 1500, I think th		2	of these titl	
2			3		ey may have.
3		the name of that car lot?	4		many employees do you have?
4 5	Q. Leased. What was tA. New Beginnings.	the name of that car rot.	5		have four.
6	Q. That was as well?		6		o, if any of them, may have seen the
7	A. Yes.		7		these titles?
8	Q. When was that in ex	kistence?	8	A. Mai	tha Bradley.
9		of New Beginnings name.	9	~	der what circumstances would she have seen
10	O. Just the lot on 150)1 First Avenue.	10	the originals	
11	A. Are you saying since	ce Nick had it or since the	11		e's my title clerk at the dealership.
12	previous person besides Nick,	, because it wasn't Nick's in	12		when we we looked at a number of these,
13	the beginning, it was Tony Wo	oolery.	13	and I think y	your counsel asked with respect to a lot them
14	Q. Yeah, why don't you	ı tell me about that. So	14	how do we kno	ow what on here shows that you are the owner,
15	that s a Tony Woolery location	on or was?	15	and there app	pears to be something signed by somebody
16	A. Was.		16	giving you th	ne title; is that you've never seen these
17	Q. Did Nick ever opera	ate it then?	17		out somebody in your office signed that on
18	A. Yes, he did.		18	your behalf?	rrect.
19		it as Auto Pro Auto Sales or	19 20		nean on behalf of Steve's Auto?
20	was it operated as New Beginn	nings?	21		eve's Auto.
21	A. Auto Pro Auto Sales	s is a name that Nick used,	22		w often when you wholesale vehicles to
22	but everything was still under	er New Beginnings. I chilik	23		er in an arrangement that you've already made
23	it's one of his corporations	that he uses to lumer this	24	ahead of time	e will you run the transaction through the
24	or that through.	hom he leased that property?	25	auto auction	
25	Q. Do you know from w JAN BARRY COU		"	dato daotion	JAN BARRY COURT REPORTING
	406,259.				406.259.8111
	100,000.				
	PAGE 58			PAGE 60	
	PAGE 58	58			60
1	A. He leased it from t	me.	1	A. It	's not something that's done regularly, but
1 2	A. He leased it from to Q. Do you still own to	me.	1 2	A. It it has been	's not something that's done regularly, but done. I couldn't give you an amount of how
1 2 3	A. He leased it from to Q. Do you still own to A. No, I don't.	me. hat property?	1 2 3	A. It it has been many times,	's not something that's done regularly, but
1 2 3 4	A. He leased it from to Q. Do you still own to A. No, I don't. Q. For how long were	me.	1 2 3 4 5	A. It it has been many times, done.	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been
1 2 3 4 5	A. He leased it from to Q. Do you still own to A. No, I don't. Q. For how long were Nick?	me. hat property? you leasing that property to	1 2 3 4 5 6	A. It it has been many times, done.	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time?
1 2 3 4 5 6	A. He leased it from to Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was	me. hat property? you leasing that property to a Tony Woolery had a	1 2 3 4 5 6	A. It it has been many times, done. Q. Do A. No	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time?
1 2 3 4 5 6	A. He leased it from a Q. Do you still own t A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased	1 2 3 4 5 6 7	A. It it has been many times, done. Q. Do A. No Q. 10	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe?
1 2 3 4 5 6 7 8	A. He leased it from to Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years	1 2 3 4 5 6 7 8	A. It it has been many times, done. Q. Do A. No Q. 10 A. I	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time?
1 2 3 4 5 6 7 8 9	A. He leased it from a Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a two	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years	1 2 3 4 5 6 7 8 9	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do.	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales
1 2 3 4 5 6 7 8 9	A. He leased it from a Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years.	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years o year lease after that so	1 2 3 4 5 6 7 8 9	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe?
1 2 3 4 5 6 7 8 9 10	A. He leased it from a Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own t	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years	1 2 3 4 5 6 7 8 9	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens — it happens when you have two dealers — one
1 2 3 4 5 6 7 8 9 10 11	A. He leased it from a Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own to A. No, I sold it.	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today?	1 2 3 4 5 6 7 8 9 10	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens it happens when you have two dealers one town or out of state and one from, you know,
1 2 3 4 5 6 7 8 9 10 11 12 13	A. He leased it from a Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own to A. No, I sold it. Q. When did you sell	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it?	1 2 3 4 5 6 7 8 9 10 11 12 13 14	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens it happens when you have two dealers one town or out of state and one from, you know, just is something that you feel a lot more
1 2 3 4 5 6 7 8 9 10 11 12 13 14	A. He leased it from a Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own to A. No, I sold it. Q. When did you sell	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? Il, it's not that it's unusual, it happens — it happens when you have two dealers — one town or out of state and one from, you know, just is something that you feel a lot more with — product, paper wise and so forth.
1 2 3 4 5 6 7 8 9 10 11 12 13	A. He leased it from a Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own to A. No, I sold it. Q. When did you sell A. On November 1st of Q. Why did you sell in A. I had different version to the A. No, I had different version to the A. I had different version to the A. No, I had different version to the A. I had different version to the A. No, I had different version to the A. I	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year. it? entures.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are maken.	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens — it happens when you have two dealers — one town or out of state and one from, you know, just is something that you feel a lot more with — product, paper wise and so forth. ing sure you give title, you get check, you
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. He leased it from to Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own to A. No, I sold it. Q. When did you sell A. On November 1st of Q. Why did you sell in A. I had different very Q. Were you using that	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are mak give check,	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens — it happens when you have two dealers — one town or out of state and one from, you know, just is something that you feel a lot more with — product, paper wise and so forth. ing sure you give title, you get check, you you get title.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. He leased it from to Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own to A. No, I sold it. Q. When did you sell in A. On November 1st of Q. Why did you sell in A. I had different we Q. Were you using that it out to somebody else?	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year. it? entures.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are making ive check, Q. Ha	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens — it happens when you have two dealers — one town or out of state and one from, you know, just is something that you feel a lot more with — product, paper wise and so forth. ing sure you give title, you get check, you you get title. eve you ever previously used the auto auction
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. He leased it from a Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own to A. No, I sold it. Q. When did you sell A. On November 1st of Q. Why did you sell in A. I had different very Q. Were you using that it out to somebody else? A. In that interim?	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year. it? entures. at property or had you leased	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are make give check, Q. Ha under those	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens — it happens when you have two dealers — one town or out of state and one from, you know, just is something that you feel a lot more with — product, paper wise and so forth. sing sure you give title, you get check, you you get title. we you ever previously used the auto auction circumstances for a transaction with another
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. He leased it from a Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own to A. No, I sold it. Q. When did you sell A. On November 1st of Q. Why did you sell A. I had different very Q. Were you using that it out to somebody else? A. In that interim? Q. At the time you so	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year. it? entures. at property or had you leased old it.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are make give check, Q. Haunder those dealer here	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ell, it's not that it's unusual, it happens — it happens when you have two dealers — one town or out of state and one from, you know, is just is something that you feel a lot more with — product, paper wise and so forth. ing sure you give title, you get check, you you get title. we you ever previously used the auto auction circumstances for a transaction with another in town?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. He leased it from the Q. Do you still own the A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was eximple Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own the A. No, I sold it. Q. When did you sell in A. On November 1st of Q. Why did you sell in A. I had different very Q. Were you using that it out to somebody else? A. In that interim? Q. At the time you so A. No, I was not using the	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year. it? entures. at property or had you leased old it. ng it.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are make give check, Q. Haw under those dealer here A. Ar	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? il, it's not that it's unusual, it happens — it happens when you have two dealers — one town or out of state and one from, you know, just is something that you feel a lot more with — product, paper wise and so forth. ing sure you give title, you get check, you you get title. we you ever previously used the auto auction circumstances for a transaction with another in town? nother dealer here in town — I don't recall.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. He leased it from a Q. Do you still own to A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own to A. No, I sold it. Q. When did you sell A. On November 1st of Q. Why did you sell in A. I had different we Q. Were you using that it out to somebody else? A. In that interim? Q. At the time you so A. No, I was not usin Q. We've talked about	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year. it? entures. at property or had you leased old it. ng it. t Exhibits 1 through 8, have	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are make give check, Q. Haw under those dealer here A. Ar Q. Di	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ell, it's not that it's unusual, it happens — it happens when you have two dealers — one town or out of state and one from, you know, just is something that you feel a lot more with — product, paper wise and so forth. sing sure you give title, you get check, you you get title. we you ever previously used the auto auction circumstances for a transaction with another in town? nother dealer here in town — I don't recall. id it seem unusual that since you already knew
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. He leased it from the Q. Do you still own the A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own the A. No, I sold it. Q. When did you sell in A. On November 1st of Q. Why did you sell in A. I had different very Q. Were you using that it out to somebody else? A. In that interim? Q. At the time you so A. No, I was not using Q. We've talked about you seen since the bankrous process.	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year. it? entures. at property or had you leased old it. ng it. t Exhibits 1 through 8, have uptcy was filed, have you seel	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are mak give check, Q. Ha under those dealer here A. Ar Q. Di Nick I th	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens — it happens when you have two dealers — one town or out of state and one from, you know, just is something that you feel a lot more with — product, paper wise and so forth. ing sure you give title, you get check, you you get title. Ive you ever previously used the auto auction circumstances for a transaction with another in town? other dealer here in town — I don't recall. Id it seem unusual that since you already knew hink you testified you were social friends and
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. He leased it from the Q. Do you still own the A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own the A. No, I sold it. Q. When did you sell in A. On November 1st of Q. Why did you sell in A. I had different we Q. Were you using that it out to somebody else? A. In that interim? Q. At the time you so A. No, I was not using Q. We've talked about you seen since the bankruthe actual originals of these	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year. it? entures. at property or had you leased old it. ng it. t Exhibits 1 through 8, have uptcy was filed, have you seel	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 24	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are make give check, Q. Haw under those dealer here A. Ar Q. Di Nick I the had done bus	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens it happens when you have two dealers one town or out of state and one from, you know, just is something that you feel a lot more with product, paper wise and so forth. ing sure you give title, you get check, you you get title. ive you ever previously used the auto auction circumstances for a transaction with another in town? nother dealer here in town I don't recall. id it seem unusual that since you already knew hink you testified you were social friends and siness before that he wanted these vehicles to
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. He leased it from the Q. Do you still own the A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own the A. No, I sold it. Q. When did you sell in A. I had different we Q. Were you using that it out to somebody else? A. In that interim? Q. At the time you so A. No, I was not using Q. We've talked about you seen since the bankruthe actual originals of these A. No.	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year. it? entures. at property or had you leased old it. ng it. t Exhibits 1 through 8, have uptcy was filed, have you seel se titles?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are make give check, Q. Haw under those dealer here A. Ar Q. Di Nick I the had done bus	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens — it happens when you have two dealers — one town or out of state and one from, you know, just is something that you feel a lot more with — product, paper wise and so forth. ing sure you give title, you get check, you you get title. we you ever previously used the auto auction circumstances for a transaction with another in town? nother dealer here in town — I don't recall. id it seem unusual that since you already knew hink you testified you were social friends and siness before that he wanted these vehicles to the auto auction even though he was here in
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. He leased it from the Q. Do you still own the A. No, I don't. Q. For how long were Nick? A. I think there was five-year lease that was exi Incredible from him, I think left on that lease, and a twapproximately four years. Q. Do you still own the A. No, I sold it. Q. When did you sell in A. I had different we Q. Were you using that it out to somebody else? A. In that interim? Q. At the time you so A. No, I was not using Q. We've talked about you seen since the bankruthe actual originals of these A. No.	me. hat property? you leasing that property to a Tony Woolery had a sting when Nick purchased there was still two years to year lease after that so that property today? it? this year. it? entures. at property or had you leased old it. ag it. Exhibits 1 through 8, have uptcy was filed, have you see se titles? URT REPORTING	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 24	A. It it has been many times, done. Q. Do A. No Q. 10 A. I that I do. Q. Fa A. We most likely from out of here, and it comfortable They are make give check, Q. Haw under those dealer here A. Ar Q. Di Nick I the had done bus	's not something that's done regularly, but done. I couldn't give you an amount of how but there's been occasions when it has been es it happen most of the time? percent of the time, maybe? would say more like 3 percent of the sales irly unusual, then? ill, it's not that it's unusual, it happens it happens when you have two dealers one town or out of state and one from, you know, just is something that you feel a lot more with product, paper wise and so forth. ing sure you give title, you get check, you you get title. ive you ever previously used the auto auction circumstances for a transaction with another in town? nother dealer here in town I don't recall. id it seem unusual that since you already knew hink you testified you were social friends and siness before that he wanted these vehicles to

PAGE 63 SHEET 16 PAGE 61 61 they faxed him out copies of them; and also the auction 1 town? where the titles were, we made the phone calls and got It wasn't unusual, but the statements that he 2 him copies of the titles. made when he wanted the copies of the titles were to see And just asked those folks to fax them over to if there was any discrepancies on the titles of being 0. 4 Nick? flood damage or anything from the Katrina or from the 5 Louisiana area or if there's a big situation with A. 6 Do you remember -- and I said Nick, obviously I vehicles having frame damage -- frame damage is a vehicle meant Incredible Auto Sales, but do you remember to whom that's been wrecked or sustained a large amount of damage 8 8 at Incredible Auto Sales specifically they were faxed? to the structure of the vehicle, you want to make sure 9 that everything is okay before you put it on your retail Not really, no. 110 A. 10 You don't know if it was Jody, his office 11 lot, and that's one thing that the auction provides is Q. 11 12 manager? 12 that protection. I'm not sure if it was Jody or Nick or Leilana, In your previous dealings with Mr. Gutierrez, 13 A. 13 I'm not sure. They use -- I presume they use one fax in had any of those transactions run through the auction? 14 14 15 a general area. I can't recall, to be honest with you. 15 As far as you know, he did receive photocopies 16 You don't remember any that did, anyway? Q. 16 of the titles? You know, none that strikes me right away, but 17 17 Α. 18 A. As far as I know, yes. I'm not saying that there wasn't. 18 Did you personally call any finance companies I think I heard you say a minute ago when 19 19 in the auction to ask them to do that? Mr. Gutierrez asked for copies of the titles, did he at 20 20 I think so. 21 some point ask you for photocopies of these titles? Α. 21 Did anyone there say that this sounded like an 22 Q. 22 Yes. Α. 23 unusual request? When was that? 23 Q. Right on that Friday morning -- might have been 24 No. Α. 24 Α. Did they have any problem doing that? 25 Q. Thursday -- Thursday or Friday. 25 JAN BARRY COURT REPORTING JAN BARRY COURT REPORTING 406.259.8111 406.259.8111 PAGE 64 PAGE 62 62 Not at the time, no. Α. Before he had received possession of the 1 Q. Have they mentioned that they have a problem 2 Q. vehicles? 2 3 with it since? 3 Α. 4 Α. Yeah. Did he tell you why he wanted those? 4 0. Who mentioned that they had a problem with it? For that reason, to see if there was anything 5 Q. 5 A. Well, both companies won't do that anymore. that came from Louisiana area, making sure there was no 6 Α. 6 7 Why not? 0. flood damage history vehicles, if there was any mileage 7 8 Because of this situation. discrepancies, making sure all the mileage was accurate Α. 8 And tell me what your understanding of this 9 0. and actual, making sure that there was no prior flood or 9 salvage announcements on the vehicles, and that's why he 10 situation is. 10 That you guys -- Hyundai Motor Credit -wanted to go through the auction just so he feels 11 11 financed -- I shouldn't say financed, but gave sums of 12 comfortable about buying the vehicles. 12 money on copies of titles to prospective dealers, not the 13 Was it unusual for another dealer to ask for 13 physical title. photocopies of the titles before the vehicles were 14 14 And it's your understanding that someone at 15 15 delivered? Incredible Auto Sales received the photocopies of the 16 116 Yeah. Α. titles, completed additional information, and submitted 117 Did you say anything to Nick at the time that, 17 those reworked titles -- photocopies of titles to Hyundai hey, this seems unusual? 18 in order to obtain financing? 19 I said I don't have them -- actually, what he 19 After looking at the documents that was wanted was a physical title of the vehicle, and I said I 20 20 presented as evidence, yes -- after looking at documents 21 don't have them. 21 pertaining to evidence that was submitted to the court. 22 So did you arrange for him to get photocopies 22 When you were talking to Nick about these 23 of the titles or to look at the photocopies of the [23 titles, did he ever mention that he would use these 24 24 titles? titles in order to obtain financing? We called the flooring company that we had and 25 Α.

JAN BARRY COURT REPORTING

406.259.8111

JAN BARRY COURT REPORTING

406.259.8111

	SHEET 17 PAGE 65 65		PAGE 67 67
1	A. No.	1	that point in time they said they wouldn't pay us for
$\frac{1}{2}$	Q. Did he ever mention that he would have somebody	2	anything else until he straightens out the existing
3	sign the photocopies of the titles?	$\bar{3}$	problem they have.
A	A. No.	4	Q. What did you do at that time?
5	Q. When you were talking about running these	5	A. My secretary turned around and just walked
6	vehicles through the auction, did he ever mention that	6	across the hallway and gave the titles back to my finance
7	running them through the auction would help him obtain	7	company.
8	financing?	8	Q. Did you contact Nick or anybody at Incredible
9	A. It was never something that was brought up. I	9	then?
10	didn't know his finances at the time.	10	A. I think I spoke to him late that afternoon,
11	Q. Did you know Hyundai was his flooring lender?	11	yes.
12	A. I didn't know Hyundai, I thought it was Kia.	12	Q. And what did you say to him?
13	It was Kia Financial and Stockman Bank, is what I	13	A. I asked him what's going on, and he said they
14	thought.	14	are waiting for funding to come in from various banks or
15	Q. And Nick has done business with Stockman Bank	15	lending companies himself and he has already has arranged
16	in the past, hasn't he?	16	it with the auction that he's going to be taking care of
17	A. He has, to my knowledge.	17	everything, and that was acceptable.
18	Q. But he never mentioned one reason he would send		Q. Did he mention to you at that time that he had
19	these through the auction would be so that he could	19	tried to floor some or all of these vehicles through his
20	obtain financing more easily?	20	finance company?
21	A. I never questioned his finances.	21	A. It never was brought up, no.
22	Q. Aside from the titles, are there any other	22	Q. And he, I assume, didn't mention that he had
23	written documents that you are aware of that are related	23	already faxed off copies of the titles to the finance
24	to your agreement to sell these 14 vehicles to	24	company then?
25	Incredible?	25	A. No, I mean because to my knowledge I didn't
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
İ	406.259.8111		406.259.8111
	PAGE 66 66		PAGE 68 68
1	66	1	68
1	66 A. I'm not sure what you are pertaining to.	1 2	68 think you guys would even floor a vehicle without having
1 2 3	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says	1 2	68 think you guys would even floor a vehicle without having titles.
3	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like	1 2 3	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the
3 4	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that?	1 2 3 4	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this?
3 4 5	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time.	1 2 3 4 5	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would
3 4 5 6	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I	1 2 3 4 5	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would
3 4 5 6 7	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick	1 2 3 4 5 6 7	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these
3 4 5 6 7 8	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez?	1 2 3 4 5 6	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time?
3 4 5 6 7 8 9	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no.	1 2 3 4 5 6 7 8	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no.
3 4 5 6 7 8 9	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for	1 2 3 4 5 6 7 8 9	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no.
3 4 5 6 7 8 9 10 11	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation?	1 2 3 4 5 6 7 8 9	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did.
3 4 5 6 7 8 9 10 11 12	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies?	1 2 3 4 5 6 7 8 9 10 11	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles?
3 4 5 6 7 8 9 10 11 12 13	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure.	1 2 3 4 5 6 7 8 9 10 11 12	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go
3 4 5 6 7 8 9 10 11 12 13 14	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the
3 4 5 6 7 8 9 10 11 12 13 14 15	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto
3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto auction is telling me is that he Nick denied them
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand. Q. What else do you understand that he has from the auto auction?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto auction is telling me is that he Nick denied them rights to take the vehicles and that he would be there
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand. Q. What else do you understand that he has from the auto auction?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto auction is telling me is that he Nick denied them rights to take the vehicles and that he would be there that afternoon in their attorney's office with a
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand. Q. What else do you understand that he has from the auto auction? A. Just the sales orders that have been pertained	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto auction is telling me is that he Nick denied them rights to take the vehicles and that he would be there that afternoon in their attorney's office with a cashier's check for the whole amount of what he owed at
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand. Q. What else do you understand that he has from the auto auction? A. Just the sales orders that have been pertained into evidence. Q. When did you first discover that there was a problem with payment on these vehicles?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto auction is telling me is that he Nick denied them rights to take the vehicles and that he would be there that afternoon in their attorney's office with a cashier's check for the whole amount of what he owed at 3 p.m
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand. Q. What else do you understand that he has from the auto auction? A. Just the sales orders that have been pertained into evidence. Q. When did you first discover that there was a problem with payment on these vehicles? A. When we took down when my secretary took	1 2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto auction is telling me is that he Nick denied them rights to take the vehicles and that he would be there that afternoon in their attorney's office with a cashier's check for the whole amount of what he owed at 3 p.m Q. Okay.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand. Q. What else do you understand that he has from the auto auction? A. Just the sales orders that have been pertained into evidence. Q. When did you first discover that there was a problem with payment on these vehicles? A. When we took down when my secretary took down titles to receive payment from the auto auction and	1 2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto auction is telling me is that he Nick denied them rights to take the vehicles and that he would be there that afternoon in their attorney's office with a cashier's check for the whole amount of what he owed at 3 p.m Q. Okay. A. At 2:59 p.m. they get a phone call at the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand. Q. What else do you understand that he has from the auto auction? A. Just the sales orders that have been pertained into evidence. Q. When did you first discover that there was a problem with payment on these vehicles? A. When we took down when my secretary took down titles to receive payment from the auto auction and they denied payment because of the vehicle that Nick did	1 2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	think you guys would even floor a vehicle without having titles. Q. And what — roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said — this is hearsay, the auto auction is telling me is that he — Nick denied them rights to take the vehicles and that he would be there that afternoon in their attorney's office with a cashier's check for the whole amount of what he owed at 3 p.m Q. Okay. A. At 2:59 p.m. they get a phone call at the attorney's office and said they filed Chapter 11.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand. Q. What else do you understand that he has from the auto auction? A. Just the sales orders that have been pertained into evidence. Q. When did you first discover that there was a problem with payment on these vehicles? A. When we took down when my secretary took down titles to receive payment from the auto auction and	1 2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto auction is telling me is that he Nick denied them rights to take the vehicles and that he would be there that afternoon in their attorney's office with a cashier's check for the whole amount of what he owed at 3 p.m Q. Okay. A. At 2:59 p.m. they get a phone call at the attorney's office and said they filed Chapter 11. Q. So the day the auction showed up, as far as you
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand. Q. What else do you understand that he has from the auto auction? A. Just the sales orders that have been pertained into evidence. Q. When did you first discover that there was a problem with payment on these vehicles? A. When we took down when my secretary took down titles to receive payment from the auto auction and they denied payment because of the vehicle that Nick did	1 2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto auction is telling me is that he Nick denied them rights to take the vehicles and that he would be there that afternoon in their attorney's office with a cashier's check for the whole amount of what he owed at 3 p.m Q. Okay. A. At 2:59 p.m. they get a phone call at the attorney's office and said they filed Chapter 11. Q. So the day the auction showed up, as far as you JAN BARRY COURT REPORTING
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I'm not sure what you are pertaining to. Q. Is there a master contract somewhere that says how these vehicles will be delivered or anything like that? A. Not that I'm aware of at this point in time. Q. There's no documents, for instance, that says I agree to sell the following 14 vehicles to Nick Gutierrez? A. Not that I'm aware of, no. Q. Just the titles, is what we have for documentation? A. You mean the photocopies? Q. Photocopies of the title, sure. A. Yeah, and the stuff that he got from the auto auction, is what I understand. Q. What else do you understand that he has from the auto auction? A. Just the sales orders that have been pertained into evidence. Q. When did you first discover that there was a problem with payment on these vehicles? A. When we took down when my secretary took down titles to receive payment from the auto auction and they denied payment because of the vehicle that Nick did pay for, checks came back not sufficient funds, and at	1 2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	think you guys would even floor a vehicle without having titles. Q. And what roughly, how long before the bankruptcy was filed was this? A. I don't remember the exact date, but I would say probably three days. Q. Did you make attempts to repossess these vehicles at any time? A. I did not, no. Q. Did anybody, as far as you know? A. The auto auction did. Q. What attempts did they make to repossess the vehicles? A. They made an attempt to actually physically go to his place of business and try to retrieve the vehicles, and he said this is hearsay, the auto auction is telling me is that he Nick denied them rights to take the vehicles and that he would be there that afternoon in their attorney's office with a cashier's check for the whole amount of what he owed at 3 p.m Q. Okay. A. At 2:59 p.m. they get a phone call at the attorney's office and said they filed Chapter 11. Q. So the day the auction showed up, as far as you

			PAGE 71
S	HEET 18 PAGE 69 69		71
1	know, was the day the bankruptcy was filed?	1	A. He called me on my cell phone about 15 minutes
2	A. I'm pretty sure, yes.	2	later that day.
3	Q. Did you ever prepare any written demand to	3	Q. How long did you speak with him?
4	Incredible to get these vehicles back?	4	A. I did not speak to him, I just seen it was his
5	A. Any written demand to Incredible?	5	number, and it went into voice mail. I wasn't in I
6	Q. Did you send them a letter or anything?	6	didn't want to speak to him, and he just left a real long message of how sorry he was and he knows everything we
7	A. No.	7	went through and so on and so forth, and that was the
8	Q. Since the bankruptcy was filed, have you had	8	extent of it.
9	any conversations with Nick?	9 10	Q. Did you save that message?
10	A. Yes.	10	A. Until about four days ago.
11	Q. How many conversations have you had?A. He's called me three times.	12	Q. Did you have it transcribed, by chance?
12		13	A. No, I haven't.
13		14	Q. Who else would have listened to that voice
14	A. The first time he called me was well, my first conversation with Nick was in church the following	15	message?
15 16	Sunday.	16	A. I'm not sure. Did I play it for you?
17	Q. What church is that?	17	O. Other than your lawyer.
18	A. Life Center Church.	18	A. Oh, my wife, of course, I think a couple other
19	Q. And what was the nature of that conversation?	19	people in the industry, I'm not sure if they listened to
20	A. Again, we sat where we usually sit, and he sits	20	the whole entire thing or not in the automobile
21	up in the balcony, and either well, I know he told the	21	industry.
22	pastor what happened and what was going on, and the	22	Q. Why would you have played the message for other
23	pastor was leading into a sermon how even when people do	23	individuals to hear?
24	bad things to people, you should forgive them and	24	A. Just because of what he's done and had the gall:
25	everything else, and it just didn't feel comfortable with	25	of calling me and saying that, you know, it wasn't his
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING 406.259.8111
	406.259.8111		
]	PAGE 70 70		PAGE 72 72
	me so I walked out my wife and grandchildren were	1	fault, it was Hyundai's fault for doing this to him.
2	still in church, and I walked into the foyer, just	2	Q. Did he tell you why he thought it was Hyundai's
3	waiting for them to be done, and about two minutes before	3	fault?
4	service ended, he comes down and talks to me in the	4	A. No, he just said it was not so much it was
5	fover, and I really didn't say much. He says, you know,	5	Kia's fault, is what he said.
6	"I'm sorry for what happened, we are trying to work this	6	Q. It was Kia's fault?
7	out to get it corrected." I says, "Nick, all you need to	7	A. Yeah.
8	do is I just want my cars back, simply." And he says,	8	Q. He didn't tell you why it was Kia's fault?
9	"Oh, I can't do that, there's no possible chance that	9	A. No. O. You mentioned three conversations; is this
10	that's ever going to happen." "Well, why not? I've	10	Q. You mentioned three conversations; is this voice message the second conversation?
11	never got paid for them, I just want my cars back."	11 12	A. Correct.
12	And then my wife and everyone else in church	13	Q. When was the third conversation, then?
13	gets church is over, and my wife sees him there	14	A. The third conversation was after our very first
14	talking to me, then my wife kind of told him a lot more	1	meeting with all the attorneys and everything when we
15	what she thought of him than I did by all means and what	16	were in I think right after we left your office is
16	kind of strain he put us in and our financial problem	17	that the first time I think that was the first time.
17	that he put us through and so on and so forth, and then his wife just grabbed his arm and she drugged him out the	1	Q. When we took testimony in court?
18 19	door Zsaneece did.	19	A. Right. Then we went to your office to try to
20	Q. Was that the end of the first conversation, I'm		resolve the vehicles who gets what vehicles and so on
21	quessing, then?	21	and so forth it's when we sat there for a long time
22	A. That was the end of the first conversation,	22	and you guys ignored us.
23	correct.	23	Q. Didn't mean to ignore you.
24	Q. When was the second conversation that you had	24	A. Right after that, that evening he called me and
	with Nick?	25	said, "What did you guys agree upon?" And I said, "Well,
25	WICH MICK.		THE PARTY COMPANDED TO COMPANDED
25	JAN BARRY COURT REPORTING 406.259.8111		JAN BARRY COURT REPORTING 406.259.8111

SHEET 19 PAGE 73 why would you care?" He said, "Well, no, I just wanted 1 to find out what the end result was." I said, "The end 2 result was nothing," and that was the extent of it, and I 3 4 hung up. 5 5 Q. You haven't spoken with him since? 6 No, once when I think we were in court or 6 Α. something like that, just small talk. I think you were 7 8 8 there also. 9 Have you spoken with his wife at all? 9 0. 10 10 Α. How about Ken Cornelison, you know who he is? 11 11 12 I know of him. 12 13 13 You haven't had any conversations with him? 0. 14 14 Α. 15 Within the last week, Incredible Auto Sales 15 withdrew its objection to your motion to modify stay; you 16 16 are aware of that, aren't you? 17 17 18 18 A. Did you have any discussions with anyone other 119 19 0. 20 than your lawyer about that withdrawal? 20 No, I didn't even know they were doing it. 21 21 22 Do you know why they did it? 22 0. 23 No, I don't -- can I rephrase that? 23 A. 24 Go right ahead. 24 0. 25 Because he thinks he did wrong. 25 A. JAN BARRY COURT REPORTING 406.259.8111 PAGE 74 One thing you mentioned when Nick went looking 1 at these vehicles -- I think it was a Friday when he looked at the vehicles --3 4 Thursday, I think. 4 Α. -- Nick was interested in vehicles with low 5 mileage; is that accurate? 6

PAGE 75

notes, probably eight or nine.

When you sell vehicles to other dealers, how often do they agree to purchase them before they are out of the body shop or paint shop?

It doesn't happen on a regular basis, but it does happen, you know, where it's -- it depends on the vehicle and how in demand that vehicle is and if they have it presold or if they need it -- I mean it's not unheard of in the industry to buy something that is in the body shop or being -- having a motor repaired or in a transmission or anything else.

It's not unheard of, but I take it from your answer it's not the normal case either.

No, it isn't, but it happens.

The body shop and paint shops we talked about previously where these vehicles were located, do you own any of those?

A. No, sir.

If you would look at Exhibit 5, please, I believe this is for a Mercury Sable.

A. It is.

And you repossessed this within the last Q. 24 hours?

Yes. Α.

Where was it when you picked it up? Q. JAN BARRY COURT REPORTING 406.259.8111

Α. Yes.

7

8

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Did he tell you why he was interested in 0. vehicles with low mileage?

It's just generally when you have a new car dealership, you don't want nothing with 130,000 miles on them, that's just natural industry -- I mean everybody wants something with low mileage and being clean.

Did he also ever mention he wanted something with a fairly late model year?

Yeah, he didn't want anything old, old, yeah.

Did he ever tell you in connection with those conversations that it would be easier for him to get financing if it was a late model vehicle or a low mile vehicle?

No, we never really brought up the financing, Α. to be honest with you.

Of the 14 vehicles that he purchased, how many were in body shops, roughly, or any sort of service shop? 24

I'm going to say without looking back at some JAN BARRY COURT REPORTING 406.259.8111

PAGE 76

I didn't do it personally, I sent my people to pick it up -- my salespeople.

Did you know whether it was on Incredible's 0.

lot?

10

12

13

14

15

16

17

18

19

20

21

22

It was in the same area with all the other cars -- or at least that's where they had it staged when we came to pick it up, because I talked to Ken Cornelison yesterday early morning at about 9:15, he said give me until late this afternoon which would have been yesterday to get everything keyed up and make sure everything starts and that way you guys won't have any problem taking anything away from that area. I presume they were all within the same area. They were at one time when we inspected them.

So you had previously been out to inspect these vehicles during the course of the bankruptcy?

Yes, right after our first meeting. Α.

Is that the only time you inspected them? Q.

That was the only time. Α.

You did that personally? 0.

Yes, me and the owner from the Auto Auction of A. Montana.

Do you recall whether you saw this specific vehicle on Exhibit 5?

406.259.8111

Yes, it was there. Α. JAN BARRY COURT REPORTING

406.259.8111 JAN BARRY COURT REPORTING * * *

75

	SHEET 20 PAGE 77		PAGE 79 79
	77	1	RE-EXAMINATION
1	Q. The reason I ask is I can't find that on their	1	
2	list of inventory that they supposedly had when the case	2	BY MR. COLEMAN:
3	was filed, and that's why I was hoping maybe you could	3	Q. If I can just follow up on that briefly, in
4	shed some light on that I mean when you were there,	4	your mind, then, if payment had been made, then it would
5	you touched it, saw it?	5	have been a purchase?
6	A. Yes.	16	A. Pardon me?
7	MR. COLEMAN: That's all I have.	7	Q. If payment had been made, then there would have
8	RE-EXAMINATION	8	been a purchase of these vehicles?
9	BY MR. PATTEN:	9	A. If payment has been made, would there be a
10	O. Steve, you said something that to the effect	10	purchase
11	that the auto auction provides protection from frame or	11	Q. Let me start over. In your mind, if payment
12	flood damage?	12	had been made by Incredible Auto Sales for these
13	n. correct.	13	vehicles, then there would have been a purchase?
14	O, Ron doco ic provide and provided and	14	A. Yes.
15	or flood damage?	15	MR. COLEMAN: That's all I have.
16	A. As a dealer that runs a vehicle through the	16	MR. PATTEN: That's all I have.
17	sale or purchases a vehicle, I should say, you have	17	(Deposition concluded)
18	14 days from date of purchase in that if you find any	18	
19	frame damage to a vehicle, any unannounced problems that	19	
20	may have occurred, anything that's a hidden issue and	20	
21	a hidden issue is like flood, frame, a vehicle that could	21	
22	have been salvaged you know, someone has fixed and it	[22]	<i>,</i>
23	turned out to be a salvage vehicle, salvage history, one	23	
24	with an odometer problem you have an odometer	24	
25	problem is open to years, it's not something that has a	25	TAN DADDY COURT DESCRIPTION
	JAN BARRY COURT REPORTING		JAN BARRY COURT REPORTING
İ	406.259.8111		406.259.8111
		+	
	PAGE 78 78		PAGE 80 80
_	. 18	1	
1	one week or two-week status, saying that two weeks if you	1	DEPONENT'S CERTIFICATE
2	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a	1 2	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have
2 3	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the	1 2 3	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and
3 4	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a	1 2	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full,
2 3 4 5	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is	1 2 3 4	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given
3 4	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax.	1 2 3 4 5	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given
2 3 4 5 6 7	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the	1 2 3 4 5	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION
2 3 4 5 6 7 8	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are	1 2 3 4 5 6	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION
2 3 4 5 6 7 8 9	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales.	1 2 3 4 5 6 7 8	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION
2 3 4 5 6 7 8 9	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn.	1 2 3 4 5 6 7 8 9	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION
2 3 4 5 6 7 8 9 10 11	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. O. Is it your position that Incredible Auto Sales	1 2 3 4 5 6 7 8 9	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION
2 3 4 5 6 7 8 9 10 11 12	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1	1 2 3 4 5 6 7 8 9 10 11	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION
2 3 4 5 6 7 8 9 10 11 12 13	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8?	1 2 3 4 5 6 7 8 9 10 11 12	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION
2 3 4 5 6 7 8 9 10 11 12 13 14	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for	1 2 3 4 5 6 7 8 9 10 11 12 13 14	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION
2 3 4 5 6 7 8 9 10 11 12 13 14 15	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered a purchase.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION STEVE MARKS.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered a purchase. Q. Why do you use the word "purchase", then, if	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION STEVE MARKS. Subscribed and sworn to before me this
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered a purchase. Q. Why do you use the word "purchase", then, if your testimony is that you weren't paid for them?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION STEVE MARKS. Subscribed and sworn to before me this
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered a purchase. Q. Why do you use the word "purchase", then, if your testimony is that you weren't paid for them? A. Well, because in the normal sense of business,	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION STEVE MARKS. Subscribed and sworn to before me this
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered a purchase. Q. Why do you use the word "purchase", then, if your testimony is that you weren't paid for them? A. Well, because in the normal sense of business, you buy something, you pay for it. It might be a term that I use in a normal act of business that's supposed to	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 20 21 0	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION STEVE MARKS. Subscribed and sworn to before me this Notary Public For the State of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered a purchase. Q. Why do you use the word "purchase", then, if your testimony is that you weren't paid for them? A. Well, because in the normal sense of business, you buy something, you pay for it. It might be a term that I use in a normal act of business that's supposed to	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION STEVE MARKS. Subscribed and sworn to before me this day of Notary Public For the State of Residing at My commission expires:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered a purchase. Q. Why do you use the word "purchase", then, if your testimony is that you weren't paid for them? A. Well, because in the normal sense of business, you buy something, you pay for it. It might be a term that I use in a normal act of business that's supposed to be done that way; he didn't do it in the normal way.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION STEVE MARKS. Subscribed and sworn to before me this
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered a purchase. Q. Why do you use the word "purchase", then, if your testimony is that you weren't paid for them? A. Well, because in the normal sense of business, you buy something, you pay for it. It might be a term that I use in a normal act of business that's supposed to be done that way; he didn't do it in the normal way. MR. PATTEN: That's all I have.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION STEVE MARKS. Subscribed and sworn to before me this
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered a purchase. Q. Why do you use the word "purchase", then, if your testimony is that you weren't paid for them? A. Well, because in the normal sense of business, you buy something, you pay for it. It might be a term that I use in a normal act of business that's supposed to be done that way; he didn't do it in the normal way. MR. PATTEN: That's all I have.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION STEVE MARKS. Subscribed and sworn to before me this
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	one week or two-week status, saying that two weeks if you can't find an odometer problem, it's yours, no, it's a federal offense so it stays with the vehicle, and the auto auction gives you protection because they do a background search on every vehicle that's sold which is called a Carfax. Q. Steve, now, you've said and you've used the term "purchased" in describing the transactions that are at issue here with Incredible Auto Sales. A. Mm-hmn. Q. Is it your position that Incredible Auto Sales purchased the vehicles that are reflected in Exhibits 1 through 8? A. To make a purchase, you have to pay for something; when there's nothing paid, it's not considered a purchase. Q. Why do you use the word "purchase", then, if your testimony is that you weren't paid for them? A. Well, because in the normal sense of business, you buy something, you pay for it. It might be a term that I use in a normal act of business that's supposed to be done that way; he didn't do it in the normal way. MR. PATTEN: That's all I have.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	DEPONENT'S CERTIFICATE I, STEVE MARKS, do hereby certify that I have read the foregoing 79 pages of typewritten material and that the same is, with any changes noted below, a full, true, and correct transcript of my oral deposition given at the time and place hereinbefore mentioned. PAGE LINE CORRECTION REASON FOR CORRECTION STEVE MARKS. Subscribed and sworn to before me this

SHEET 21 PAGE 81 81 REPORTER'S CERTIFICATE 1 I, JAN HANSEN BARRY, a Registered Professional 2 Reporter and notary public, certify STEVE MARKS was first 3 duly sworn by me to testify to the truth; that I was then 4 and there authorized to administer an oath; that his 5 deposition was reported by me in machine shorthand and 6 thereafter reduced to writing; that after being reduced to writing, the original of this transcript was made В available to the deponent for examination and signature; that this is a true and correct record of the testimony 10 given by said deponent. 11 I further certify that I am not attorney for, 12 nor employed by, nor related to any of the parties or 13 attorneys to this action, nor financially interested in 1.4 15 the action. IN WITNESS WHEREOF, I have set my hand and seal 16 Montana this 9th day of December, 2006. pan mansen sarry Registered Professional Reporter Notary Public for the State of Montana Residing at PO Box 1321 Billings, Montana 59103 (406) 259-8111 JAN BARRY COURT REPORTING 406.259.8111

	80
1	DEPONENT'S CERTIFICATE
2	I, STEVE MARKS, do hereby certify that I have
3	read the foregoing 79 pages of typewritten material and
4	that the same is, with any changes noted below, a full,
5	true, and correct transcript of my oral deposition given
6	at the time and place hereinbefore mentioned.
7 8 9	PAGE LINE CORRECTION REASON FOR CORRECTION 43 30 Thru. NO. SIR. IT Should READ 1 NO. SIR. I CAN NOT
10	52 6 THRU. & WOULDNIT WOULDNIT WANT TO
11	52 6 THRU. & WANT TO WOULDN'T WANT TO GUESS THE DATE
12	
13	
14	
15 16	Staller-
17	YVY
	STEVE MARKS.
18	, il
18 19	STEVE MARKS. Subscribed and sworn to before me this 12 H day of Acceptor, 2006.
	Subscribed and sworn to before me this 12 1/2
19	Subscribed and sworn to before me this 12 h day of Alcenther, 2006. Your Bug Marcia Berg Notary Public
19 20	Subscribed and sworn to before me this 12 h day of New Bug/Marcia Berg Notary Public For the State of Amfana Residing at Billing, Marcia
19 20 21	Subscribed and sworn to before me this 12 h day of Alcenter, 2006. Your Buy Marcia Berg Notary Public For the State of Antana Residing at Billing Marcia My commission expires: 10/10/2007
19 20 21 22	Subscribed and sworn to before me this 12 h day of New Bug/Marcia Berg Notary Public For the State of Amfana Residing at Billing, Marcia